

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Ingo Zenz

Application No.: 10/750,003

Filed: December 30, 2003

For: **CONFIGURATION DATA CONTENT  
FOR A CLUSTERED SYSTEM  
HAVING MULTIPLE INSTANCES**

Art Group: 2168

Examiner: Jay A. Morrison

Mail Stop Appeal Brief – Patents  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, V.A. 22313-1450

**APPEAL BRIEF**

Dear Sir:

The Applicant ("Appellant") submits the following Appeal Brief pursuant to 37 C.F.R. §41.37(c) for consideration by the Board of Patent Appeals and Interferences. A payment in the amount of \$510.00 was submitted with the Notice of Appeal filed on February 19, 2008, (received by the Patent Office on February 25, 2008) as required by 37 C.F.R. §41.20(b)(1). A payment in the amount of \$510.00 is submitted herewith as required by 37 C.F.R. §41.20(b)(2).

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## **I. REAL PARTY IN INTEREST**

Ingo Zenz is named as the inventor on the application. Ingo Zenz transferred his rights in the subject application through an assignment executed on December 17, 2003, to SAP Aktiengesellschaft ("SAP AG"), a Corporation of Germany, having a principal place of business at Waldolf, Germany. The assignment is recorded at reel/frame number 014875/0826. Accordingly, SAP AG is the real party in interest.

## **II. RELATED APPEALS AND INTERFERENCES**

There are no other appeals or interferences that will directly affect, be directly affected by or have a bearing on the Board's decision in this Appeal.

## **III. STATUS OF CLAIMS**

Claims 1-6, 8-10, 16-21, 23-26, and 28-31 are pending in the application. The Examiner has rejected claims 1-6, 8-10, 16-21, 23-26, and 28-31. Appellant respectfully appeals the rejection of claims 1-6, 8-10, 16-21, 23-26, and 28-31.

## **IV. STATUS OF AMENDMENTS**

No amendments were submitted after the Final Office Action, mailed on November 16, 2007.

## **V. SUMMARY OF CLAIMED SUBJECT MATTER**

Embodiments of the invention generally relate to configuration data, and in particular to a property sheet system for a clustered system having multiple instances. See Specification, page 1, paragraph [0001], lines 6-8.

In regard to independent claim 1, the system comprises a configuration module representing configuration information of a node within a clustered system. See Specification, page 3, paragraph [00015], line 33 to page 4, line 1; Fig. 1, elements 106 and 130. The configuration module includes any one of a binary file to map a key name to a set of data, a sub-configuration entry comprising an object of the node, or a name-value pair that maps a key name to an object. See Specification, page 5, paragraph 6570P016

[00020], lines 29-33; page 7, paragraph [00024], lines 3-8; Fig. 2, element 130; Fig. 3, elements 330, 332, 340, 342, 350, and 352. The configuration module further includes a property sheet data structure with a plurality of property names representing configuration information of at least one component within the clustered system. See Specification page 6, paragraph [00021], lines 3-5; Fig. 2, element 130; Fig. 3, elements 310, 320, 326-328. Moreover, the property sheet data structure includes a plurality of non-modifiable parameters and a plurality of modifiable parameters, wherein each respective property name included in the property sheet data structure is associated with a non-modifiable parameter and a modifiable parameter. See Specification page 6, paragraph [00021], lines 5-8 and paragraph [00022], lines 18-21; Fig. 3, elements 310, 320, 322, 324. A user interface displays contents of the property sheet data structure to allow centralized management of the clustered system and to manage configuration information of at least one dispatcher node that distributes requests to a plurality of nodes of the clustered system. See Specification, page 7, paragraph [00026], lines 23-28; Fig. 4A, elements 410; page 3, paragraph [00014], lines 23-25; Fig. 1, elements 108, 120. Lastly, the user interface receives inputs to select and modify a parameter associated with the property sheet data structure. See Specification, page 8, paragraph [00028], line 33 to page 8, lines 11-16; Fig. 4, elements 450, 452, 454, 456, 458.

Claim 2 depends from claim 1 and recites the further limitations of the property sheet data structure is associated with a plurality of components contained within the clustered system. See Specification, page 4, paragraph [00017], lines 19 and 20; page 5, paragraph [00020], lines 29-33; page 6, paragraph [00021], lines 3-5; Fig. 2, element 130; Fig. 3, elements 300, 310-1, 310-N.

Claim 3 depends from claim 1 and recites the further limitations of a first dialog box to display contents of the property sheet data structure, the first dialog box including a plurality of entry rows, the entry rows including a first column to display names of corresponding properties, a second column to display configuration parameters associated with the corresponding properties and a third column to indicate if the configuration parameters are default or custom parameters. See Specification, page 7, paragraph [00026], lines 23-26; page 7, [00027], line 33 to page 8, line 5; Fig. 4A, elements 410, 412, 414, 416, 418, and 422-435. Lastly, a second dialog box receives input



to modify a custom parameter. See Specification, page 8, paragraph [00027], line 9 to paragraph [00028], line 12; Fig. 4B, elements 450 and 458.

Claim 4 depends from claim 3 and recites the further limitations of the second dialog box further includes a name field to display a name of a corresponding property and a default field to display a default configuration parameter associated with the corresponding property. See Specification, page 8, paragraph [00028], lines 11-16; Fig. 4B, elements 450, 452, 456.

Claim 5 depends from claim 4 and recites the further limitations of the second dialog box further includes a data type field to display the data type associated with corresponding property. See Specification, page 8, paragraph [00028], lines 11-14; Fig. 4B, elements 450, 454.

Independent claim 6 recites the limitations of providing a property sheet associated with a component contained within a clustered system, the property sheet including a plurality of configuration parameters, each parameter associated with a name, a default parameter and a custom parameter. See Specification page 3, paragraph [00015], line 33 to page 4, line 1; Fig. 1, elements 106 and 130; page 6, paragraph [00021], lines 3-8 and paragraph [00022], lines 18-21; Fig. 2, element 130; Fig. 3, elements 310, 320, 322, 324, 326-328. Further limitations include replacing the component contained within the clustered system. See Specification page 9, paragraph [00030], lines 1-3; Fig. 5, element 510. The default parameters included in the property sheet are automatically updated with a different default parameter of a corresponding property of a replacement component in response to replacing the component. See Specification page 9, paragraph [00030], lines 10-17; Fig. 5, element 510. Finally, a conflict is determined between each custom parameter included in the property sheet with the different default parameter of the corresponding property of the replacement component. See Specification page 9, paragraph [00030], lines 17-22; Fig. 5, element 510.

Claim 8 depends from claim 6 and recites the further limitations determining if a custom parameter included in the property sheet is valid with the replaced component. See Specification, page 9, paragraph [00031], lines 31-34; Fig. 5, elements 520, 530, 550, and 570; page 10, paragraph [00032], lines 5-7 and 11-14.

Claim 9 depends on claim 8 and recites the further limitations of deselecting the custom parameter in response to the custom parameter being not valid with the replaced component. See Specification, page 10, paragraph [00032], lines 15-19; Fig. 5, element 580.

Claim 10 depends from claim 6 and recites the further limitations of the cluster includes a plurality of instances. See Specification, page 3, paragraph [00013], lines 13 and 14; Fig. 1, elements 100, 102, and 104.

Independent claim 16 recites the limitations of providing a configuration module of a node contained within a cluster, the configuration module comprising any one of a binary file, a sub-configuration entry, or a name-value pair, and a property sheet containing configuration information associated with a component contained within a cluster. See Specification, page 3, paragraph [00015], line 33 to page 4, line 1; Fig. 1, elements 106 and 130; page 5, paragraph [00020], lines 29-33; page 7, paragraph [00024], lines 3-8; Fig. 2, element 130; Fig. 3, elements 330, 332, 340, 342, 350, and 352. The contents of the property sheet are displayed and the property sheet includes non-modifiable parameters and modifiable parameters. See Specification, page 7, paragraph [00026], lines 23-26; page 7, [00027], line 33 to page 8, line 5; Fig. 4A, elements 410, 412, 414, 416, 418, and 422-435. Input is received to select and modify a parameter of the displayed property sheet. See Specification, page 8, paragraph [00027], lines 8-10; Fig. 4A, elements 416 and 418. Finally, the configuration information is sent to the node in response to a request from the node. See Specification, page 4, paragraph [00015], lines 6-10; Fig. 1, elements 110, 112, 114, 116, 122, 124, 126, 128, 130

Claim 17 depends from claim 16 and recites the further limitations the displayed contents of a property sheet comprises providing a number of entry rows. See Specification, page 7, paragraph [00027], lines 33 and 34; Fig. 4A, elements 410, 422-435. Names of corresponding properties are displayed in a first column of each entry row. See Specification, paragraph [00027], page 8, lines 1 and 2; Fig. 4A, element 412. Configuration parameters associated with corresponding properties are displayed in a second column of each entry row. See Specification, paragraph [00027], page 8, lines 2 and 3; Fig. 4A, element 414. Finally, an indication is displayed to show whether a configuration parameter in the second column is a default parameter or a custom

parameter. See Specification, paragraph [00027], page 8, lines 3-5; Fig. 4A, elements 414 and 416.

Claim 18 depends from claim 16 and recites the further limitations of the property sheet is included in a configuration data structure containing configuration information associated with the cluster. See Specification, page 4, paragraph [00017], lines 19-25; Fig. 2, elements 130, 210, 220, and 230.

Independent claim 19 recites the limitations of a means for displaying contents of a property sheet containing configuration information associated with a component contained within a clustered system, the property sheet having a plurality of properties, wherein each of said properties is associated with a property name, a non-modifiable default parameter and a custom parameter. See Specification, page 7, paragraph [00026], lines 23-26; page 7, [00027], line 33 to page 8, line 5; Fig. 4A, elements 410, 412, 414, 416, 418, and 422-435. Further limitations include a means for receiving input to select and modify a parameter associated with a property included in the property sheet. See Specification, page 8, paragraph [00027], lines 8-10; Fig. 4A, elements 416 and 418. Finally, the limitations include a means for selectively updating the parameters included in the property sheet in response to replacing a component by comparing each default parameter of the component to be replaced with a corresponding default parameter of a replacement component. See Specification, page 9, paragraph [00030], lines 7-12 and paragraph [00031], lines 27-35; page 10, paragraph [00032], lines 5-7; Fig. 5, elements 510, 520, 530, and 550.

Claim 20 depends on claim 19 and recites the further limitations of means for receiving input to select between the default parameter and the custom parameter to be applied to a property included in the property sheet. See Specification, page 8, paragraph [00028], lines 16-21; Fig. 4B, elements 450, 460, 462, 456.

Claim 21 depends on claim 20 and recites the further limitations of means for indicating if a configuration parameter displayed by the means for displaying is a default parameter or a custom parameter. See Specification, paragraph [00027], page 8, lines 3-5; Fig. 4A, elements 414 and 416.

Claim 23 depends on claim 19 and recites the further limitations of means for automatically updating a default parameter included in the property sheet with a different default parameter associated with a corresponding property of the replaced component. See Specification, page 9, paragraph [00030], lines 7-12 and paragraph [00031], lines 27-35; page 10, paragraph [00032], lines 5-7; Fig. 5, elements 510, 520, 530, and 550.

Claim 24 depends on claim 19 and recites the further limitations of means for determining if a custom parameter included in the property sheet is valid with the replaced component. See Specification, page 10, paragraph [00032], lines 12-14; Fig. 5, elements 560 and 570.

Claim 25 depends on claim 19 and recites the further limitations of means for deselecting a custom parameter in response to the custom parameter being not valid with the replaced component. See Specification, page 10, paragraph [00032], lines 15-19; Fig. 5, element 580.

Independent claim 26 recites the elements of machine-readable medium that provides instructions, which when executed by a processor cause the processor to perform operations comprising displaying contents of a property sheet data structure representing configuration information associated with at least one component within a clustered system, the property sheet data structure including a plurality of property names, a plurality of non-modifiable default parameters and a plurality of custom parameters. See Specification, page 7, paragraph [00026], lines 23-26; page 7, [00027], line 33 to page 8, line 5; Fig. 4A, elements 410, 412, 414, 416, 418, and 422-435. The limitations further include receiving input to select a custom parameter included in the property sheet data structure. See Specification, page 8, paragraph [00027], lines 8-10; Fig. 4A, elements 416 and 418. The limitations also include storing the modified custom parameter without changing a default parameter corresponding to the modified custom parameter. See Specification, page 8, paragraph [00029], lines 27-33; Fig. 4A and 4B, elements 410 and 450. Finally, the limitations include selectively updating the parameters included in the property sheet data structure in response to replacing of a component by comparing each default parameter of the component to be replaced with a corresponding default parameter of a replacement component. See Specification, page 6570P016

9, paragraph [00030], lines 7-12 and paragraph [00031], lines 27-35; page 10, paragraph [00032], lines 5-7; Fig. 5, elements 510, 520, 530, and 550.

Claim 28 depends on claim 26 and recites the further limitations of automatically updating a default parameter included in the property sheet data structure with a different default parameter associated with a corresponding property of the replaced component. See Specification, page 9, paragraph [00030], lines 7-12 and paragraph [00031], lines 27-35; page 10, paragraph [00032], lines 5-7; Fig. 5, elements 510, 520, 530, and 550. The limitations further include determining a custom parameter included in the property sheet data structure is valid with the replaced component. See Specification, page 10, paragraph [00032], lines 12-14; Fig. 5, elements 560 and 570. Finally, the limitations include deselecting an applied custom parameter in response to the applied custom parameter being not valid with the replaced component. See Specification, page 10, paragraph [00032], lines 15-19; Fig. 5, element 580.

Independent claim 29 recites the elements of a central storage node, the central storage node including a configuration data structure. See Specification, page 3, paragraph [00015], line 32 to page 4, line 3; Fig 1, elements 106 and 130. The limitations further include the configuration data structure comprising a global configuration module and a sub-cluster configuration module. See Specification, page 4, paragraph [00017], lines 19-21 and 25-30; Fig. 2, elements 130, 210, and 220. Finally, the limitations include the central storage node to send information included in the configuration data structure to a node within a sub-cluster in response to a request from the node. See Specification, page 4, paragraph [00015], lines 6-10; Fig. 1, elements 110, 112, 114, 116, 122, 124, 126, 128, 130

Claim 30 depends on claim 29 and recites the further limitations of the global configuration module comprising a dispatcher configuration module and a server configuration module. See Specification, page 4, paragraph [00017], lines 19-21 and 25-30; Fig. 2, elements 130, 210, 212, 216.

Claim 31 depends on claim 29 and recites the further limitations of the sub-cluster configuration module comprising a local configuration information associated with the sub-cluster. See Specification, page 5, paragraph [00018], lines 4-14; Fig. 2,

elements 130, 220, 224, and 225. The local configuration information includes a dispatcher module and a plurality of server modules. See Specification, page 5, paragraph [00018], lines 9-14; Fig 2, elements 130, 220, 224, and 225. The dispatcher module includes configuration information associated with a dispatcher node of the sub-cluster. Id. Finally, each of the plurality of server modules includes configuration information associated with each server node of the sub-cluster. Id.

## VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

In the Final Office Action mailed on November 16, 2007, the Examiner has rejected claims 1-6, 8-10, 16-21, 23-26 and 28-31.

Claims 6, 19, and 29 stands rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01.

Claims 29-31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,047,497 issued to Patrizio et al. (hereinafter "Patrizio") in view of U.S. Patent No. 7,165,189 issued to Lakkapragada et al. (hereinafter "Lakkapragada").

Claims 1, 2, and 16-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,366,915 issued to Rubert et al. ("Rubert") in view of Patrizio in further view of Lakkapragada.

Claims 6 and 8-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rubert in view of U.S. Patent No. 6,564,261 issued to Gudjonsson et al ("Gudjonsson") in further view of U.S. Patent No. 6,658,018 issued to Tran et al. (hereinafter "Tran").

Claims 19 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rubert in view of Gudjonsson in view of U.S. Patent No. 6,983,324 issued to Block et al. (hereinafter "Block") in further view of Tran.

Claims 3-5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rubert in view of Patrizio in view of Lakkapragada in further view of U.S. Patent Publication No. 2005/0114315 issued to Tanner et al. ("Tanner").

Claims 20, 21, 23-25 and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rubert in view of Gudjonsson in view of Block in view of Tran in further view of Tanner.

All of the claims do not stand or fall together. The basis for the separate patentability of the claims is set forth below. The claims will be discussed in the order set forth in the Final Office Action as listed above.

## VII. ARGUMENT

### A. Overview of the Cited Reference -- Patrizio

Patrizio relates to a system for including information related to the look and feel of property displays of a GUI into one file. See Patrizio, column 3, lines 24-26. In particular, Patrizio uses an underlying network software application to illustrate the GUI implemented in Patrizio. See Patrizio, column 3, lines 25-34. To accomplish this task, Patrizio uses objects defined in a file to represent graphical components within the GUI to illustrate the look and feel of the system. See Patrizio, Fig. 1. For example, based on the objects in the file, Patrizio displays a property sheet layout. See Patrizio, column 4, lines 25-39; Fig. 4. Further, as shown in Fig. 4, a GUI displays nodes and packages installed in a cluster.

However, Patrizio is silent on how the underlying network software application is implemented in relation with the displayed nodes in the cluster. Therefore, Patrizio at least fails to disclose the elements of sending information included in the configuration data structure to a node within a sub-cluster in response to a request from the node. In addition, Patrizio fails to disclose elements related to the configuration module comprising any one of a binary file, the binary file to map a key name to a set of data, a sub-configuration entry comprising an object of the node, or a name-value pair, the name-value pair to map a key name to an object.

## **B. Overview of the Cited Reference -- Lakkapragada**

Lakkapragada proposes a system for testing components within a cluster environment. See Lakkapragada, column 3, lines 41-44. To accomplish this task, Lakkapragada discloses a test administration to run tests on cluster components. See Lakkapragada, Fig. 1; column 3, lines 41-46 and 63-66. The nodes in the cluster are disclosed in a generic manner without distinguishing the features between the nodes. Id. Lakkapragada further provides a test module (that runs on a test administration machine and separate from the nodes) for querying configuration information from the cluster. See Lakkapragada, page 15, lines 4-8; Fig. 11A; see also, Lakkapragada, Fig. 10A, block 1302 and 1304.

However, Lakkapragada at least fails to disclose the elements of a central storage node, let alone, a central storage node that sends information included in a configuration data structure to a node in response to a request from the node.

## **C. Overview of the Cited Reference -- Rubert**

Rubert discloses to a system for retrieving information from a database. See Rubert, Abstract. To retrieve the information, a user interface includes a form with search parameters to form a query to retrieve report information (e.g., payroll information related to a department) on remote database servers. See Rubert, column 5, lines 55-64; column 8, lines 10-15; Fig. 1 and 3. Based on the search parameters, a query is then performed on the database. See Rubert, column 5, line 67 to column 6, line 2; Fig. 8, lines 10-15; Fig. 1 and 3.

However, Rubert fails to disclose configuration information of at least one dispatcher node and configuration module including one of a binary file, a sub-configuration entry, or a name-value pair. Moreover, Rubert fails to disclose the elements of updating the parameters included in a property sheet in response to replacing a component. Rubert further fails to disclose a dialog box with a graphical element to restore a default value of a modifiable parameter.



#### **D. Overview of the Cited Reference -- Gudjonsson**

Gudjonsson discloses a system for providing services for clients connected in a clustered computing environment. See Gudjonsson, column 2, lines 52-67. In particular, the system can establish communication sessions between clients located in the clustered computing environment. See Gudjonsson, column 7, lines 39-42. To manage these services, administrative tools are disclosed that allow system administrators to change system settings. See Gudjonsson, column 18, lines 24 and 25. Further, Gudjonsson discloses that the administrative tools are responsible for notifying affected components to these changed settings. See Gudjonsson, column 18, lines 26 and 27. Settings for the components in the cluster are disclosed as stored on a database server separate from the components. See Gudjonsson, Fig. 26.

However, Gudjonsson fails to disclose determining a conflict between each custom parameter with a different default parameter of a replacement component. Moreover, Gudjonsson fails to disclose selectively updating the parameters included in the property sheet in response to replacing a component.

#### **E. Overview of the Cited Reference -- Tran**

Tran discloses a fault-tolerant network adapter system comprised of multiple network adaptors connected within the same server and interfaced with a network. See Tran, Abstract; Fig. 1. An agent module is responsible for assessing the capabilities of the network adaptors and then selecting a primary adaptor for accommodating the network data traffic. Id. To accomplish this task, a network adaptor selection algorithm compares the network adaptor IDs for each of network adaptor to select the most “qualified” network adaptor. See Tran, column 4, lines 34-42. Further, Tran discloses the network adaptor with the greatest adaptor attribute value is selected to be the primary adaptor. See Tran, column 4, lines 33-44.

However, Tran at least fails to disclose determining a conflict between a custom parameter and a different default parameter of a replacement component. In addition, Tran fails to disclose updating the default parameters included in the property sheet with a different default parameter of a replacement component.

#### **F. Overview of the Cited Reference -- Block**

Block discloses a distributed protocol to modify cluster communication parameters for nodes within the cluster. See Block, column 4, lines 55-57; Fig. 1. Block determines whether each submitted parameter conforms to a predetermined range of values. See Block, column 7, lines 52-62. A notification of a request for changes based on the submitted parameter is then sent to each affected node. See Block, Fig. 4, step B3; column 7, lines 60-62. Once, the affected nodes receive the request, each respective node locally modifies the parameter. See Block, column 8, lines 4-8.

However, Block at least fails to disclose selectively updating the parameters in response to replacing a component by comparing each default parameter with a corresponding default parameter of a replacement component.

#### **G. Overview of the Cited Reference -- Tanner**

Tanner proposes a system for managing network device configuration data. See Tanner, paragraph [0027]. A configuration tool including a multi-row edit function is provided to edit an attribute for multiple portions of configuration data. See Tanner, paragraph [0064]. A user may then use a single user interface to perform the multi-row edit function that selects multiple portions of configuration data. See Tanner, paragraph [0065]. A change to any of the data items are then propagated to the remaining selected portions of configuration data. Id. Further, the user may add a new attribute field to the multiple portions of configuration data using the same multi-edit function. See Tanner, paragraph [0066].

However, Tanner at least fails to disclose a second dialog box to modify customer parameters.

## H. Rejection of Claims 6, 19 and 29 Under 35 U.S.C. § 112, second paragraph

### 1. Claim 6

Claim 6 stands rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The alleged omitted steps are: what constitutes a conflict between a custom and default parameter and what happens if a conflict occurs. As stated in MPEP § 2172.01, a claim which omits matter disclosed to be essential to the invention as described in the specification or in other statements of record may also be subject to rejection under 35 U.S.C. § 112, second paragraph. See also In re Mayhew, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).

#### **a) Claim 6 Does not Omit Elements Disclosed as Essential Steps in the Specification.**

With respect to claim 6, Appellant submits that the Specification does not specify that a determination of a conflict between parameters is an essential step to the invention. In particular, claim 6 recites the elements of “determining a conflict between each custom parameter included in the property sheet with the different default parameter of the corresponding property of the replacement component.” A claim which fails to interrelate essential elements of the invention as defined by applicant in the specification may be rejected under 35 U.S.C. 112, second paragraph, for failure to point out and distinctly claim the invention. See In re Venezia, 530 F.2d 956, 189 USPQ 149. Further, “it is not essential to a patentable combination that there be interdependency between the elements of the claimed device or that all the elements operate concurrently toward the desired result.” See Ex parte Huber, 148 USPQ 447, 448-49 (Bd. Pat. App. 1965).

In light of the above requirements, paragraph [0030] of the Specification discloses that one embodiment of the upgrade tool *may check* for conflicts between parameters. However, the Specification does not set forth that this conflict check is *required*. While the Examiner has alleged that determining a conflict between parameters is essential to the invention, the Specification has clearly disclosed that, in one embodiment, the

upgrade tool has the *capability* of checking for a conflict. However, the capability of performing a certain task is *not equivalent* to being an essential step for an invention. As stated in Ex parte Huber, “it is not essential to a patentable combination that . . . all the elements operate concurrently toward the desired result.”

Moreover, the Examiner alleged that what constitutes a conflict and what happens when the conflict occurs are essential steps from the claim language. Appellant believe that the Examiner has confused indefiniteness with missing essential steps from the claim language. Paragraph [0030] of the Specification discloses that an upgraded component (i.e., “replacement component”) will be associated with a number of properties, and each property will be associated with a default parameter and an optional custom parameter. Moreover, the default parameters associated with the replacement component may be different from the old component being replaced. See Specification, paragraph [0030]. A conflict may exist if a default parameter of a property is changed for the replacement component but a custom parameter of the property exists corresponding to the old component. Id. Based on the existence of the custom parameter, the upgrade tool can then determine whether the customer parameter is valid with the replaced component. See Specification, paragraph [0032]. Therefore, the elements of “determining a conflict between each custom parameter . . . with the different default parameter of the corresponding property of the replacement component,” are consistent with and supported in the Specification. In addition, the corresponding sections of the Specification (namely, paragraphs [0030] and [0032]) do not state that determining a conflict is essential. As stated in Ex parte Huber, “it is not essential to a patentable combination that there be interdependency between the elements of the claimed device.” Therefore, in light of the Specification, the elements related to a conflict between a custom and default parameter and what happens if a conflict occurs are not omitted essential steps.

In addition, the Examiner failed to support his position by citing to a specific portion of the Specification. MPEP § 2172.01 states that “such essential matter may include missing elements, steps or necessary structural cooperative relationships of elements described by the applicant(s) as necessary to practice the invention.” However, as discussed above, the alleged missing steps are not disclosed as being

essential in the Specification. Therefore, Appellant submits that the Examiner has failed to support this rejection by indentifying a portion of the Specification that discloses the necessity of these alleged missing elements. In view of the Specification (as discussed above), the elements of “determining a conflict between each custom parameter included in the property sheet with the different default parameter of the corresponding property of the replacement component,” are supported and not omitted essential steps under MPEP § 2172.01. Consequently, for at least these reasons, Appellant submits that claim 6 is compliant under 35 U.S.C. § 112, second paragraph, because the Examiner has failed to establish that any essential elements that are identified by the Specification are omitted from the claims.

Thus, in view of at least the foregoing reasons, claim 6 is compliant under § 112, second paragraph. Accordingly, Appellant respectfully requests that the § 112 rejection of claim 6 be overturned.

## **2. Claims 19 and 26**

As an initial matter, although the Examiner has rejected claim 29 in the Final Office Action, for purposes of responding on appeal, Appellant believes that the Examiner is, in fact, referring to claim 26 instead of claim 29 because claim 26 recites analogous elements (i.e., elements related to selective updating of parameters) to those in claim 19 that the Examiner has based the rejection upon.

Claims 19 and 26 stand rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The alleged omitted steps are: how selectively updating is done by comparing the default parameters, what results if based on the results of the comparison; in other words it is inferred that the updating might not take place based on the comparison and the Examiner submits that it is not clear when the updates do or do not occur. MPEP § 2172.01 states that a claim which omits matter disclosed to be essential to the invention as described in the specification or in other statements of record may be subject to rejection under 35 U.S.C. § 112, second paragraph. See also In re Mayhew, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).

**a) Claims 19 and 26 Do not Omit Elements Disclosed as Essential Steps in the Specification.**

With respect to claim 19, this claims recite the elements of “selectively updating the parameters included in the property sheet in response to replacing a component by comparing each default parameter of the component to be replaced with a corresponding default parameter of a replacement component.” Claim 26 recites analogous element to those in claim 19, and the discussion below applies to claims 19 and 26. A claim which fails to interrelate essential elements of the invention as defined by applicant in the specification may be rejected under 35 U.S.C. 112, second paragraph, for failure to point out and distinctly claim the invention. See In re Venezia, 530 F.2d 956, 189 USPQ 149. Further, “it is not essential to a patentable combination that there be interdependency between the elements of the claimed device or that all the elements operate concurrently toward the desired result.” See Ex parte Huber, 148 USPQ 447, 448-49 (Bd. Pat. App. 1965).

The Examiner first alleged that the Specification failed to disclose how selectively updating is done by comparing the default parameters and the results of the comparison. In particular, the Examiner states that the updating of parameters might not take place based on the comparison and the Examiner is unsure when the updates occur. However, the Examiner has failed to point to a portion of the Specification that discloses that the alleged elements are essential. Moreover, Appellant believes that the Examiner has attempted to assert a rejection based on indefiniteness as being an omission of an essential step in the claim language. As discussed below, the Specification provides support for the above elements and does not disclose the elements as being essential.

In particular, the elements related to performing a selective update are illustrated in Fig. 5 (and the corresponding portions) of the Specification. For example, paragraph [00031] of the Specification discloses that the upgrade tool performs an update process for the configuration properties. At block 520 in Fig. 5, for each parameter in the property sheet, the upgrade tool compares a default parameter of the upgraded component with a corresponding default parameter included in the property sheet. See Specification, paragraph [00031]. Based on the comparison, at block 530, the upgrade

tool determines whether the compared default parameter are different and proceeds to either block 540 or 550. See Specification, paragraphs [00031] and [00032]. Therefore, the elements of “selectively updating the parameters . . . by comparing each default parameter of the component to be replaced with a corresponding default parameter of a replacement component,” as recited in claims 19 and 26 are consistent with and supported by the preceding cited sections of the Specification. Again, as stated above, MPEP § 2172.01 states that a claim which omits matter disclosed to be essential to the invention *as described in the specification or in other statements of record* may be subject to rejection under 35 U.S.C. § 112, second paragraph. However, the preceding elements are not disclosed as being essential to the invention in the Specification to apply under MPEP § 2172.01. In addition, under Ex parte Huber, the alleged omitted elements are not required to be present in the claim language because “it is not essential to a patentable combination that . . . all the elements operate concurrently toward the desired result.” See Ex parte Huber, 148 USPQ 447, 448-49 (Bd. Pat. App. 1965). Therefore, absent such a statement in the Specification, the Examiner’s assertion that the above elements are omitted essential steps is untenable.

Thus, in light of the above discussion, Appellant submits that the elements of “selectively updating the parameters included in the property sheet in response to replacing a component by comparing each default parameter of the component to be replaced with a corresponding default parameter of a replacement component,” do not fail to include essential steps in the Specification. Therefore, for at least these reasons, Appellant submits that claims 19 and 26 are compliant under 35 U.S.C. § 112, second paragraph, because no essential steps are omitted. Accordingly, Appellant respectfully requests that the § 112, second paragraph rejection of claims 19 and 26 be overturned.

#### **I. Rejection of Claims 29-31 Under 35 U.S.C. § 103**

Claims 29-31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,047,497 issued to Patrizio et al. (hereinafter “Patrizio”) in view of U.S. Patent No. 7,165,189 issued to Lakkapragada et al. (hereinafter “Lakkapragada”).

To establish a *prima facie* case of obviousness the Examiner must set forth a clear articulation of the reasons that the claimed invention would have been obvious. The

reasoning cannot be based on mere conclusory statements. See KSR Int'l Co. v. Teleflex Inc. (KSR), 82 USPQ2d 1385, 1396 (2007) and MPEP § 2142. Further, the Federal Circuit has clarified that the determination of the proper combination of prior art teachings in light of the Supreme Court's decision in KSR Int'l Co. v. Teleflex Inc. is to be based on the flexible application of the teaching, suggestion and motivation (TSM) test, because "as the Supreme Court suggests, a flexible approach to the TSM test prevents hindsight and focuses on evidence before the time of the invention." *In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007). However, as discussed below, the cited references fail to teach or suggest each element of claims 29-31 and the Examiner has failed to establish any teaching, suggestion or motivation to combine the cited references.

## 1. Claim 29

### **a) Independent Claim 29 Is not Obvious at Least Because Patrizio in View of Lakkapragada Fails to Teach or Suggest a Central Storage Node Including a Configuration Data Structure.**

Claim 29 recites the elements of "a central storage node, the central storage node including a configuration data structure." Patrizio fails to teach or suggest the elements related to "a central storage node" and "a configuration data structure," as discussed below.

In the Final Office Action, the Examiner characterized the elements of "the central storage node including a configuration data structure," as allegedly taught by Fig. 1 of Patrizio. However, because Patrizio is instead directed to a graphical user interface ("GUI") that uses a network software application *as an example to illustrate the GUI*, Patrizio fails to teach or suggest each element of claim 29. See Patrizio, column 3, lines 24-34. Patrizio's GUI implementation is silent on how the underlying network software application is implemented along with failing to teach or suggest the elements that are included with the underlying network software application. Although nodes are illustrated in Fig. 1, Patrizio fails to distinguish between the nodes based on features, let alone, teach or suggest "the central storage node," as recited in claim 29. An illustration of generic nodes in the cluster are not equivalent to "the central storage node." Patrizio is also silent on whether any node in Fig. 1 includes "a configuration



data structure,” as recited in claim 29. Thus, because Patrizio fails to teach or suggest a “central storage node,” or any node that includes a “configuration data structure,” the elements of “the central storage node including a configuration data structure,” are not taught or suggested as well.

Instead, Fig. 1 shows a GUI with a hierarchical map of GUI objects. See Patrizio, column 3, lines 38-44; Fig. 1. To implement the hierarchical map in the GUI, Patrizio stores the layout information (e.g., the hierarchical map in Fig. 1) of the GUI in a managed object format (“MOF”) file. See Patrizio, column 5, lines 6-11. Therefore, Fig. 1 illustrates a display of the *layout of the GUI* as stored in the MOF file instead of a “configuration data structure,” as recited in claim 29. Further, as shown in Fig. 9A and 9B, the data included in the MOF file is in a format defined by a schema that organizes the data by respective GUI element (e.g., defining the order of tab GUI elements). See Patrizio, column 5, lines 16-20, 29-31, and 37-42; column 6, lines 21-24 and 38-41. Layout information in the GUI is not equivalent to “central storage node” nor the same as “a configuration data structure.” Therefore, Patrizio’s MOF file including the layout information of the GUI elements (e.g., as shown in Fig. 1) fails to teach or suggest the elements of “the central storage node including a configuration data structure,” as recited in claim 29.

Further, Appellant is unable to discern and the Examiner has failed to cite the portion of Lakkapragada that allegedly teaches or suggests the above missing elements of claim 29. Consequently, Lakkapragada fails to teach or suggest the elements of “the central storage node including a configuration data structure,” as recited in claim 29 as well.

Therefore, for at least the reasons set forth above, Patrizio in view of Lakkapragada fails to teach or suggest each element of claim 29. Thus, the Examiner has failed to establish a *prima facie* case of obviousness. Accordingly, Appellant respectfully requests that the § 103 rejection of claim 29 be overturned.

**b) Independent Claim 29 Is not Obvious at Least Because  
Patrizio in View of Lakkapragada Fails to Teach or Suggest a**

### **Central Storage Node Sending Information Included in a Configuration Data Structure to a Node.**

As discussed above, because Patrizio in view of Lakkapragada fails to teach or suggest the elements of “the central storage node including a configuration data structure,” then Patrizio in view of Lakkapragada also fails to teach or suggest the elements of “the central storage node to send information included in the configuration data structure to a node within a sub-cluster in response to a request from the node,” as recited in claim 29

In the Final Office Action (see page 3), the Examiner conceded that Patrizio fails to teach or suggest the elements of “the central storage node to send information included in the configuration data structure to a node within a sub-cluster in response to a request from the node,” as recited in claim 29. Lakkapragada fails to cure these deficiencies. In contrast, Lakkapragada proposes a system for testing components of a cluster. See Lakkapragada, column 3, lines 41-44. To accomplish this task, a test administration machine (shown in Fig. 1) administers the testing of nodes within the cluster. See Lakkapragada, column 3, lines 41-44 and 63 and 64. First, a test package (that includes a test suite for testing functionality as shown in Fig. 2) is installed on a node in the cluster. See Lakkapragada, column 4, lines 23-31; column 5, lines 56-58; Fig. 2. Next, the test administration machine executes a test server process to execute and manage the automated tests (i.e., to run the test suite in the test package installed on the node). See Lakkapragada, column 6, lines 8-16. A test request file (containing information of which test suite to run) is received by the test server process. See Lakkapragada, column 6, lines 32-46; column 7, lines 29-39 and 63-65. The test server process then *spawns a test child process to launch the test suite* on the node. See Lakkapragada, column 7, lines 63-65; column 8, lines 1-5. However, in light of what is disclosed in Lakkapragada, the portion of Lakkapragada cited by the Examiner fails to teach or suggest the missing elements in claim 29 as discussed below.

In the Final Office Action (see page 3), to assert that Lakkapragada teaches or suggests the above missing elements, the Examiner has cited a portion of Lakkapragada that discloses querying a cluster for configuration information. See Lakkapragada, column 15, lines 5-12. However, in light of the above discussion of Lakkapragada, the

Examiner's assertion is untenable. The configuration information cited by the Examiner is not sent "to a node within a sub-cluster in response to a request from the node," as recited in claim 29. For example, during the running of the test suite, Lakkapragada discloses that a test module is responsible for querying the configuration information. See Lakkapragada, column 14, lines 63-67. Lakkapragada further discloses that the test module is launched *by the test child process* that is running on the test administration machine. See Lakkapragada, column 6, lines 8-16; column 6, lines 32-46; column 7, lines 29-39 and 63-65; column 13, lines 26-29. Therefore, it should be understood that *the test administration machine* (running the test child process that launched the test module) is responsible for requesting and then receiving this configuration information. However, as shown in Fig. 1 of Lakkapragada, the test administration machine is disclosed as *a separate network element* away from the cluster (e.g., nodes 102 in Fig. 1) and not "a node within a sub-cluster," as recited in claim 29. Thus, because the test administration machine is not a node in the cluster, let alone, "a node within a sub-cluster," Lakkapragada fails to teach or suggest the elements of "the central storage node to send information included in the configuration data structure to *a node within a sub-cluster* in response to a request from the node," (emphasis added) as recited in claim 29.

Further, the Examiner has failed to point out where in Lakkapragada that the elements of "the central storage node," are taught or suggested. The section of Lakkapragada cited by the Examiner discloses that the computing cluster is queried for configuration information. See Lakkapragada, column 15, lines 5-12. However, Lakkapragada discloses the system as including the test administration machine, one or more client machines, and nodes in the cluster. See Lakkapragada, column 3, lines 44-52. Lakkapragada fails to distinguish between types of nodes in a cluster, such as "a central storage node," and whether the system includes elements such as "a sub-cluster." Thus, Appellant submits that the Examiner has failed to meet his burden under KSR by failing to point to the section of Lakkapragada that teaches or suggests the elements of "the central storage node" and "a node within a sub-cluster," as recited in claim 29. Consequently, Lakkapragada fails to teach or suggest each element in claim 29.

Thus, in view of at least the foregoing reasons, claim 29 the Examiner has failed to establish a *prima facie* case of obviousness. Accordingly, Appellant respectfully requests that the § 103 rejection of claim 29 be overturned.

**c) Claim 29 Is not Obvious at Least Because Patrizio and Lakkapragada Are not Analogous Prior Art.**

Appellant submits that Patrizio and Lakkapragada are not analogous prior art. As stated in MPEP § 2141.01(a), the Examiner must determine what is “analogous prior art” for the purpose of analyzing the obviousness of the subject matter at issue. “Under the correct analysis, a need or problem known in the field of endeavor at the time of the invention and addressed by the patent [or application at issue] can provide a reason for combining the elements in the manner claimed.” See KSR International Co. v. Teleflex Inc. (KSR), 550 U.S. \_\_\_, \_\_\_, 82 USPQ2d 1385, 1397 (2007). Therefore, a reference in a field different from that of applicant’s endeavor may be reasonably pertinent if it is one which, because of the matter with which it deals, logically would have commended itself to an inventor’s attention. See MPEP § 2141.01(a).

In light of the above requirements, Patrizio provides a solution for improving the GUI design by separating the layout of the graphical display from underlying data by storing the layout information in a managed object format. See Patrizio, column 5, lines 6-11. Patrizio further solves an issue with representing GUI elements so that the GUI interface may be modified via the MOF file without requiring hard-coded changes to the source code. See Patrizio, column 6, lines 3-17. In contrast, Lakkapragada, proposes a system for administering testing of cluster components. See Lakkapragada, column 3, lines 41-44 and 63 and 64. Lakkapragada accomplishes this goal by using a test administration machine that runs test suites on a node within the cluster. See Lakkapragada, column 7, lines 36-39 and 63-65; column 8, lines 1-5. The testing in Lakkapragada is aimed at verifying compatible components within the cluster. See Lakkapragada, column 5, lines 9-13. However, testing of nodes to verify components in Lakkapragada is not reasonably pertinent to the GUI using the MOF file in Patrizio that one skilled in the art would look to Lakkapragada to solve the problem of representing GUI elements in Patrizio. In other words, the cited references are not logically connected because Patrizio’s scope is fixated to a user front-end (i.e., the GUI) while

Lakkapragada is directed to back-end components (i.e., located away from the test administration machine). Therefore, in view of at least these reasons, Patrizio and Lakkapragada are not analogous prior art. Consequently, the Examiner has failed to establish a *prima facie* case of obviousness based on Patrizio and Lakkapragada for claim 29.

Thus, in view of at least the foregoing additional reasons, claim 29 is separately patentable over the art of record. Accordingly, Appellant respectfully requests that the § 103 rejection of claim 29 be overturned.

## **2. Claims 30 and 31**

### **a) Claims 30 and 31 Are Patentable at Least Because These Claims Depend on Patentable Base Claim 29.**

Claims 30 and 31 depend on claim 29 and incorporate the limitations thereof. Thus, for at least the reasons discussed above in connection with claim 29, Patrizio and Lakkapragada fails to teach or suggest each element of claims 30 and 31. In particular, as discussed above, Patrizio's GUI implementation and Lakkapragada's querying of configuration data fail to teach or suggest the elements of "the central storage node including a configuration data structure," "the central storage node to send information included in the configuration data structure to a node within a sub-cluster in response to a request from the node," as recited in claim 29. Therefore, claims 30 and 31 are patentable over the art of record because each of these claims depends on claim 29.

Thus, in view of at least the foregoing reasons, claims 30 and 31 are directed toward allowable subject matter. Accordingly, Appellant respectfully requests that the § 103 rejection of claims 30 and 31 be overturned.

### **b) Claims 30 and 31 Are not Obvious at Least Because Patrizio in View of Lakkapragada Fails to Teach or Suggest a Dispatcher Configuration Module and a Dispatcher Module Including Configuration Information of a Dispatcher Node, Respectively.**

Appellant submits the following additional reasons (in addition to the reasons stated above) to show the separate patentability of claims 30 and 31.

Claim 30 recites the elements of “the global configuration module comprising a dispatcher configuration module.” Claim 31 recites the elements of “the dispatcher module including configuration information associated with a dispatcher node of the sub-cluster.” However, the portions of Patrizio cited by the Examiner as allegedly disclosing these elements instead discloses a GUI interface that uses a network software application (e.g., HP ServiceGuard Manager) as an example to illustrate the GUI interface. See Patrizio, column 3, lines 35-40 and 52-62. Further, Patrizio fails to make a distinction between the clusters and types of nodes in Fig. 1, let alone, disclosing the elements of “a dispatcher configuration module,” and “a dispatcher node of the sub-cluster.” Again, no such distinction between the clusters and nodes is disclosed because Patrizio is only using the network software application to illustrate the GUI interface defined in the MOF file and does not set forth a detailed or enabling description of the functionality of the network software application or the associated network components. See Patrizio, column 5, lines 6-11, 16-20, 29-31, and 37-42; column 6, lines 21-24 and 38-41. Consequently, Patrizio fails to teach or suggest the elements of “the global configuration module comprising a dispatcher configuration module and a server configuration module,” as recited in claim 30 and “the dispatcher module including configuration information associated with a dispatcher node of the sub-cluster,” as recited in claim 31.

Further, Lakkapragada fails to teach or suggest the above missing elements. Again, as discussed previously, Lakkapragada, in contrast, provides for administering test suites to nodes within a cluster. See e.g., Lakkapragada, Fig. 1; column 3, lines 48-54. However, Lakkapragada fails to distinguish between specific types of nodes in a cluster, such as “a dispatcher configuration module” as recited in claim 30 and “the dispatcher module including configuration information associated with a dispatcher node of the sub-cluster,” as recited in claim 31. Thus, Lakkapragada fails to teach or suggest each element of claims 30 and 31 as well.

Thus, in view of at least the foregoing additional reasons, claims 30 and 31 are separately patentable over the cited art. Accordingly, Appellant respectfully requests that the § 103 rejection of claims 30 and 31 be overturned.

## **J. Rejection of Claims 1, 2, and 16-18 Under 35 U.S.C. § 103(a)**

Claims 1, 2, and 16-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,366,915 issued to Rubert et al. (hereinafter "Rubert") in view of Patrizio in further view of Lakkapragada.

To establish a *prima facie* case of obviousness the Examiner must set forth a clear articulation of the reasons that the claimed invention would have been obvious. The reasoning cannot be based on mere conclusory statements. See KSR Int'l Co. v. Teleflex Inc. (KSR), 82 USPQ2d 1385, 1396 (2007) and MPEP § 2142. Further, the Federal Circuit has clarified that the determination of the proper combination of prior art teachings in light of the Supreme Court's decision in KSR Int'l Co. v. Teleflex Inc. is to be based on the flexible application of the teaching, suggestion and motivation (TSM) test, because "as the Supreme Court suggests, a flexible approach to the TSM test prevents hindsight and focuses on evidence before the time of the invention." In re Translogic Tech., Inc., 504 F.3d 1249, 1257 (Fed. Cir. 2007).

However, as discussed below, Rubert in view of Patrizio in further view of Lakkapragada fails to teach or suggest each element in claims 1, 2, and 16-18 and the Examiner has failed to establish any teaching, suggestion, or motivation to combine the cited references.

### **1. Claims 1 and 2**

**a) Claim 1 is Patentable at Least Because Rubert in View of Patrizio in Further View of Lakkapragada Fails to Teach or Suggest a User Interface to Manage Configuration Information of at Least One Dispatcher Node.**

Claim 1 recites the elements of "a user interface . . . to manage configuration information of at least one dispatcher node that distributes requests to a plurality of nodes of the clustered system." The cited art fails to teach or suggest these elements as discussed below.

The Examiner conceded in the Final Office Action (see page 6) that Rubert and Patrizio fails to teach or suggest the elements related to "manage configuration

information of at least one dispatcher node that distributes requests to a plurality of nodes of the clustered system,” as recited in claim 1. Moreover, Appellant submits that the Examiner has failed to read these elements in the context of claim 1 as a whole. In particular, claim 1 recites the elements of “*a user interface . . . to manage configuration information of at least one dispatcher node*” (emphasis added). As required in MPEP § 2143.03, all words in a claim must be considered in judging the patentability of that claim against the prior art. See In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). Therefore, Appellant submits that the Examiner has at least failed to cite the relevant portion of the prior art that teaches or suggests the elements of “a user interface” in conjunction with the elements of “to manage configuration information of at least one dispatcher node,” as recited in claim 1.

Instead, in the Final Office Action (see page 5), the Examiner has relied upon Rubert as disclosing the elements of “a user interface.” However, Rubert discloses a report form including parameters that may be modified by the user. See Rubert, column 5, line 55 to column 6, line 6. As shown in Fig. 1, the displayed parameters (e.g., start and end dates, last execution date, last user) relate to *describing a query* and *defining the query* and not “to manage configuration information of at least one dispatcher node.” Therefore, the user interface in Fig. 1 is not showing “configuration information of at least one dispatcher node,” as recited in claim 1. The query (and its associated parameters) forms a request for information stored in a database and is not equivalent to “configuration information of at least one dispatcher node,” as recited in claim 1. See Rubert, column 5, lines 58-64. This conclusion is further supported because the report form in Fig. 1 is then used to execute the query (as defined by the displayed parameters) to retrieve information stored in an “Engineering Payroll DB” (i.e., payroll information and not “configuration information”). See Rubert, column 5, lines 60-64. Therefore, Rubert’s user interface for query retrieval of information fails to teach or suggest the elements of “a user interface . . . to manage configuration information of at least one dispatcher node,” as recited in claim 1.

In addition, the Examiner has failed to cite and Appellant is unable to discern the portion of Patrizio that teaches or suggests the above missing elements of Rubert. Lakkapragada fails to cure the deficiencies of Rubert and Patrizio as well. The



Examiner has relied upon Lakkapragada to teach or suggest the elements of “manage configuration information of at least one dispatcher node,” as recited in claim 1. Again, as discussed above, Appellant submits that the Examiner has failed consider all words in a claim in judging the patentability of claim 1 against the prior art as required under MPEP § 2143.03. In particular, claim 1 recites the elements of “a user interface” in conjunction with the elements of “to manage configuration information of at least one dispatcher node.” However, the portion of Lakkapragada cited by the Examiner discloses querying a computing cluster for configuration information. See Lakkapragada, column 15, lines 4-8. Appellant notes that no user interface is disclosed by this section of Lakkapragada. *Id.* Moreover, as shown in Fig. 1, Lakkapragada is silent on distinguishing features of the nodes in the cluster, let alone, disclosing that the cluster includes a node that represents “at least one dispatcher node,” as recited in claim 1. See e.g., Lakkapragada, column 3, lines 44-52. Thus, Lakkapragada fails to teach or suggest the elements of “a user interface . . . to manage configuration information of at least one dispatcher node that distributes requests to a plurality of nodes of the clustered system,” as recited in claim 1. Therefore, in view of at least the foregoing reasons, Rubert in view of Patrizio in further view of Lakkapragada fails to teach or suggest each element of claim 1.

Thus, for at least the reasons set forth above, the Examiner has failed to establish a *prima facie* case of obviousness. As a result, claim 1 is separately patentable over Rubert in view of Patrizio in further view of Lakkapragada. Accordingly, Appellant respectfully requests that the § 103(a) rejection of claim 1 be overturned.

**b) Claim 1 is Patentable at Least Because Rubert in View of Patrizio in Further View of Lakkapragada Fails to Teach or Suggest a Configuration Module Representing Configuration Information of a Node in the Manner Recited in Claim 1.**

Claim 1 further recites the elements of “the configuration module comprising any one of a binary file, the binary file to map a key name to a set of data, a sub-configuration entry comprising an object of the node, or a name-value pair, the name-value pair to map a key name to an object.” The cited art fails to teach or suggest these elements as discussed below.

The Examiner has conceded (see page 5 of the Final Office Action) that Rubert fails to teach or suggest the above elements. Instead, the Examiner has relied upon Patrizio to teach or suggest these missing elements. The portion of Patrizio cited by the Examiner in Fig. 4 discloses a display of packages associated with respective nodes of a cluster. See Patrizio, column 4, lines 30-50. However, the alleged configuration module in Fig. 4 does not include the elements of “any one of a binary file, the binary file to map a key name to a set of data, a sub-configuration entry comprising an object of the node, or a name-value pair, the name-value pair to map a key name to an object,” as recited in claim 1. Although “package” names are shown in Fig. 4, Patrizio is silent on how the packages are implemented and what elements are included in the packages. In other words, Patrizio does not set forth a detailed or enabling description of the implementation of the packages. Thus, without more, Patrizio fails to teach or suggest the elements of “the configuration module comprising any one of a binary file, the binary file to map a key name to a set of data, a sub-configuration entry comprising an object of the node, or a name-value pair, the name-value pair to map a key name to an object,” as recited in claim 1.

Further, the Examiner has not cited and Appellant is unable to discern the portion of Lakkapragada that teaches or suggests the above missing elements. Consequently, Rubert in view of Patrizio in further view of Lakkapragada fails to teach or suggest each element of claim 1. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness.

Thus, in view of at least the additional foregoing reasons, claim 1 is separately patentable over Rubert in view of Patrizio in further view of Lakkapragada. Accordingly, the Appellant respectfully requests that the § 103(a) rejection of claim 1 be overturned.

**c) Claim 1 Is Patentable at Least Because Rubert in View of Patrizio and Lakkapragada Are not Analogous Prior Art.**

Appellant submits that Lakkapragada is not analogous prior art with Rubert and Patrizio. As stated in MPEP § 2141.01(a), the Examiner must determine what is “analogous prior art” for the purpose of analyzing the obviousness of the subject matter

at issue. Therefore, a reference in a field different from that of applicant's endeavor may be reasonably pertinent if it is one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention. See MPEP § 2141.01(a).

Rubert provides a user interface for executing a query to retrieve report information from a database. See Rubert, Fig. 1. Patrizio provides a solution for improving a GUI design by storing the layout information in a managed object format ("MOF"). See Patrizio, column 5, lines 6-11. In contrast, Lakkapragada discloses a system for testing components within a cluster. See e.g., Lakkapragada, Fig. 1; column 3, lines 41-44. Appellant submits that Rubert's query execution interface and Patrizio's MOF-based GUI are not reasonably pertinent to Lakkapragada's testing of components that one skilled in the art would consider Lakkapragada to deal with what Rubert and Patrizio are directed toward. A skilled artisan seeking to represent data in a GUI is not concerned with testing nodes within a cluster as disclosed by Lakkapragada. Rubert and Patrizio disclose different ways to *display data in a GUI* and are not logically connected with testing components within a cluster. This conclusion is further supported because the portion of Lakkapragada cited by the Examiner (see page 7 of the Final Office Action) discloses querying configuration information that is accomplished *without requiring the use of a GUI*. See Lakkapragada, column 15, lines 5-12. Therefore, in view of at least these reasons, Rubert and Patrizio in view of Lakkapragada are not analogous prior art under MPEP § 2141.01(a). Consequently, the Examiner has failed to properly establish a *prima facie* case of obviousness based on Rubert and Patrizio in view of Lakkapragada for claim 1.

Thus, in view of at least the additional foregoing reasons, claim 1 is separately patentable over Rubert in view of Patrizio in further view of Lakkapragada. Accordingly, the Appellant respectfully requests that the § 103(a) rejection of claim 1 be overturned.

#### **d) Claim 2 Depends on Patentable Base Claim 1.**

Claim 2 depends on claim 1 and incorporates the limitations thereof. Thus, for at least the reasons discussed above in connection with claim 1, Rubert in view of Patrizio

in further view of Lakkapragada fails to teach or suggest each element of claim 2. Therefore, claim 2 is patentable over the art of record because claim 2 depends on claim 1.

Thus, in view of at least the foregoing reasons, claim 2 is directed toward allowable subject matter. Accordingly, Appellant respectfully requests that the § 103 rejection of claim 2 be overturned.

## **2. Claims 16 and 17**

### **a) Claim 16 Is Patentable Over Rubert in view of Patrizio in Further View of Lakkapragada at Least Because the Cited Art Fails to Teach or Suggest a Configuration Module Comprising Any One of a Binary File, a Sub-Configuration Entry, or a Name-Value Pair.**

Claim 16 recites the elements of “the configuration module comprising any one of a binary file, a sub-configuration entry, or a name-value pair.”

In the Final Office Action (see page 8), the Examiner conceded that Rubert fails to teach or suggest the elements related to “the configuration module comprising any one of a binary file, a sub-configuration entry, or a name-value pair.” Instead, the Examiner has relied upon Patrizio to teach or suggest these missing elements. Again, as discussed above related to analogous elements in claim 1, the alleged configuration module in Fig. 4 does not include the preceding elements because Patrizio is silent on how the “packages” shown in Fig. 4 are implemented and what elements are included in the packages. See Patrizio, column 4, lines 30-50. Consequently, Patrizio fails to teach or suggest the elements of “the configuration module comprising any one of a binary file, a sub-configuration entry, or a name-value pair,” as recited in claim 16.

Moreover, the Examiner has failed to cite and Appellant is unable to discern the portion of Lakkapragada that teaches or suggests the above missing elements. As a result, Rubert in view of Patrizio in further view of Lakkapragada fails to teach or suggest each element of claim 16. Consequently, in view of at least the foregoing reasons, the Examiner has failed to establish a *prima facie* case of obviousness.

Thus, for at least the reasons set forth above, claim 16 is separately patentable over Rubert in view of Patrizio in further view of Lakkapragada. Accordingly, Appellant respectfully requests that the § 103(a) rejection of claim 16 be overturned.

**b) Claim 16 Is Patentable Over Rubert in view of Patrizio in Further View of Lakkapragada at Least Because the Cited Art Fails to Teach or Suggest Sending Configuration Information to a Node.**

Further, claim 16 recites the elements of “sending the configuration information to the node within the cluster in response to a request from the node.” The Examiner conceded (see page 9 of the Final Office Action) that Rubert in view of Patrizio fails to teach or suggest these elements. The Examiner has relied upon Lakkapragada to teach or suggest these missing elements. However, Lakkapragada fails to cure the deficiencies of Rubert and Patrizio as well. The portion of Lakkapragada relied upon by the Examiner discloses querying a computing cluster. See Lakkapragada, column 15, lines 5-12. Lakkapragada further discloses that a test module running on a test administration machine is responsible for querying the cluster. See Lakkapragada, column 6, lines 8-16; column 6, lines 32-46; column 7, lines 29-39 and 63-65; column 13, lines 26-29. However, as shown in Fig. 1 of Lakkapragada, the test administration machine is *located outside of the cluster* rather than being a node (i.e., element 102 and 120) within the cluster. Therefore, because the test module running on the test machine requests and receives configuration information, Lakkapragada fails to teach or suggest the elements of “sending the configuration information *to the node* within the cluster *in response to a request from the node*,” (emphasis added) as recited in claim 16. See Lakkapragada, column 7, lines 25-28; column 14, lines column 15, lines 4-8. In other words, the test module and test administration machine are not “the node within the cluster,” as recited in claim 16. Thus, Lakkapragada fails to teach or suggest the missing elements. Consequently, for at least these reasons, Rubert in view of Patrizio in further view of Lakkapragada fails to teach or suggest each element of claim 16. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness.

Thus, for at least the additional reasons set forth above, claim 16 is separately patentable over Rubert in view of Patrizio in further view of Lakkapragada.

Accordingly, Appellant respectfully requests that the § 103(a) rejection of claim 16 be overturned.

**c) Claim 16 Is Patentable at Least Because Rubert in View of Patrizio and Lakkapragada Are not Analogous Prior Art.**

Appellant submits that Rubert in view of Patrizio and Lakkapragada are not analogous prior art. As stated in MPEP § 2141.01(a), the Examiner must determine what is “analogous prior art” for the purpose of analyzing the obviousness of the subject matter at issue. Therefore, a reference in a field different from that of applicant’s endeavor may be reasonably pertinent if it is one which, because of the matter with which it deals, logically would have commended itself to an inventor’s attention. See MPEP § 2141.01(a).

As discussed above in connection with claim 1, Rubert’s query execution interface and Patrizio’s MOF-based GUI are not reasonably pertinent to Lakkapragada’s testing of components that a skilled artisan would consider Lakkapragada to deal with what Rubert and Patrizio are directed toward. A skilled artisan looking to display data in a GUI is not concerned with testing nodes within a cluster as disclosed by Lakkapragada. Rubert and Patrizio disclose different ways to *arrange data in a GUI* and are not logically connected with testing components on the back-end. Again, this conclusion is further supported because the portion of Lakkapragada cited by the Examiner (see page 9 of the Final Office Action) discloses querying configuration information *without requiring the use of a GUI*. See Lakkapragada, column 15, lines 5-12. Therefore, in view of at least the foregoing reasons, Rubert and Patrizio in view of Lakkapragada are not analogous prior art under MPEP § 2141.01(a). As a result, the Examiner has failed to properly establish a *prima facie* case of obviousness based on Rubert and Patrizio in view of Lakkapragada for claim 16.

Thus, in view of at least the additional foregoing reasons, claim 16 is separately patentable over Rubert in view of Patrizio in further view of Lakkapragada. Accordingly, the Appellant respectfully requests that the § 103(a) rejection of claim 16 be overturned.

**d) Claim 17 Is Patentable at Least Because Claim 17 Depends On Patentable Base Claim 16.**

Claim 17 depends on claim 16 and incorporates the limitations thereof. Thus, for at least the reasons discussed above in connection with claim 16, Rubert in view of Patrizio in further view of Lakkapragada fails to teach or suggest each element of claim 17. In particular, as discussed above, Rubert in view of Patrizio in further view of Lakkapragada fails to teach or suggest the elements related to “sending the configuration information to the node,” and “the configuration module comprising any one of a binary file, a sub-configuration entry, or a name-value pair,” as recited in claim 16. Therefore, claim 17 is patentable over the art of record because claim 17 depends on claim 16.

Thus, in view of at least the foregoing reasons, claim 17 is directed toward allowable subject matter. Accordingly, Appellant respectfully requests that the § 103 rejection of claim 17 be overturned.

**3. Claim 18**

**a) Claims 18 Is Patentable Because the Cited Art Fails to Teach or Suggest a Property Sheet in a Configuration Data Structure Contains Configuration Information of a Cluster.**

Claim 18 recites the elements of “the property sheet is included in a configuration data structure containing configuration information associated with the cluster.” The art of record fails to teach or suggest these elements.

In the Final Office Action (see page 10), the Examiner admitted that Rubert fails to teach or suggest the above elements. The Examiner has, instead, relied upon Patrizio to teach or suggest the missing elements. However, Patrizio fails to cure these deficiencies. In contrast, the portion of Patrizio cited by the Examiner discloses a GUI interface showing packages associated with respective nodes of a cluster. See Patrizio, column 4, lines 30-50. However, this portion of Patrizio does not teach or suggest “a configuration data structure” but instead describes that the layout of the GUI is defined in a managed object file (“MOF”). See Patrizio, column 4, lines 34-36. In particular, the

GUI interface defined in the MOF file (i.e., in Fig. 4) includes *layout information based on a schema*. See Patrizio, column 6, lines 21-30 and 44-67; Fig. 9A and 9B. For example, the layout information is used to establish the order of GUI elements (e.g., as shown in Fig. 4). See Patrizio, column 6, lines 36-41. Thus, the layout information is not equivalent to “a configuration data structure containing configuration information associated with the cluster” because an order of GUI elements does teach or suggest configuration information of the cluster illustrated in Fig. 4.

Further, the Examiner has not cited and Appellant is unable to discern the section of Lakkapragada that teaches or suggests the missing elements. Consequently, in view of at least the above reasons, Rubert in view of Patrizio in further view of Lakkapragada fails to teach or suggest each element of claim 18. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness.

Thus, in view of at least the reasons set forth above, claim 18 is separately patentable over the cited art. Accordingly, Appellant respectfully requests that the § 103 rejection of claim 18 be overturned.

**b) Claim 18 Is Patentable at Least Because Claim 18 Depends On Patentable Base Claim 16.**

In addition to the above reasons, claim 18 is directed to patentable subject matter because claim 18 depends on claim 16 and incorporates the limitations thereof. Thus, for at least the reasons discussed above in connection with claim 16, Rubert in view of Patrizio in further view of Lakkapragada fails to teach or suggest each element of claim 18. In particular, as discussed previously, Rubert in view of Patrizio in further view of Lakkapragada fails to teach or suggest the elements of “sending the configuration information to the node,” and “the configuration module comprising any one of a binary file, a sub-configuration entry, or a name-value pair,” as recited in claim 16. Therefore, claim 18 is patentable over the art of record because claim 18 depends on claim 16.



Thus, in view of at least the reasons set forth above, claim 18 is directed to patentable subject matter. Accordingly, Appellant respectfully requests that the § 103 rejection of claim 18 be overturned.

#### **K. Rejection of Claims 6 and 8-10 Under 35 U.S.C. § 103**

Claims 6 and 8-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rubert in view of U.S. Patent No. 6,564,261 issued to Gudjonsson et al ("Gudjonsson") in further view of U.S. Patent No. 6,658,018 issued to Tran et al. (hereinafter "Tran").

To establish a *prima facie* case of obviousness the Examiner must set forth a clear articulation of the reasons that the claimed invention would have been obvious. The reasoning cannot be based on mere conclusory statements. See KSR Int'l Co. v. Teleflex Inc. (KSR), 82 USPQ2d 1385, 1396 (2007) and MPEP § 2142. Further, the Federal Circuit has clarified that the determination of the proper combination of prior art teachings in light of the Supreme Court's decision in KSR Int'l Co. v. Teleflex Inc. is to be based on the flexible application of the teaching, suggestion and motivation (TSM) test, because "as the Supreme Court suggests, a flexible approach to the TSM test prevents hindsight and focuses on evidence before the time of the invention." In re Translogic Tech., Inc., 504 F.3d 1249, 1257 (Fed. Cir. 2007).

However, as discussed below, Rubert in view of Gudjonsson in further view of Tran fails to teach or suggest each element of claims 6 and 8-10 and the the Examiner has failed to establish any teaching, suggestion or motivation to combine the cited references.

##### **1. Claims 6 and 8-10**

###### **a) Claim 6 Is Patentable at Least Because Rubert In View of Gudjonsson and Tran Fails to Teach or Suggest Automatically Updating the Default Parameters With a Different Default Parameter.**

Claim 6 recites the elements of "automatically updating the default parameters included in the property sheet with a different default parameter with a corresponding

property of a replacement component.” The cited art fails to teach or suggest these elements.

In the Final Office Action (see page 11), the Examiner admitted that Rubert fails to teach or suggest the above elements. The Examiner then relied upon Gudjonsson to teach or suggest the missing elements. However, the portion of Gudjonsson cited by the Examiner discloses that administrative tools may modify settings to components in a cluster. See Gudjonsson, column 18, lines 24-28. However, Appellant notes that Gudjonsson is silent on whether the settings include “default parameters” that are updated “with a different default parameter . . . of a replacement component,” as recited in claim 6. In other words, the Examiner has failed to point to the section of Gudjonsson that teaches or suggests that the settings include “default parameters” and “a different default parameter.” Without more, Gudjonsson fails to teach or suggest the discernable features of the settings. Consequently, Gudjonsson fails to teach or suggest the elements of “automatically updating the default parameters . . . with a different default parameter with a corresponding property of a replacement component,” as recited in claim 6.

Further, the Examiner has not cited and Appellant is unable to discern the portion of Tran that teaches or suggests the above missing elements. As a result, Rubert in view of Gudjonsson in further view of Tran fails to teach or suggest each element of claim 6. Therefore, for at least the previous reasons, the Examiner has failed to establish a *prima facie* case of obviousness.

Thus, for at least the reasons set forth above, claim 6 is separately patentable over Rubert in view of Gudjonsson in further view of Tran. Accordingly, Appellant respectfully requests that the § 103(a) rejection of claim 6 be overturned.

**b) Claim 6 Is Patentable at Least Because Rubert In View of Gudjonsson and Tran Fails to Teach or Suggest a Replacement Component.**

In addition to the above reasons, the cited art fails to teach or suggest the elements of “automatically updating the default parameters . . . with a different default

parameter . . . of a replacement component in response to replacing the component” (emphasis added).

In the Final Office Action, as discussed above, the Examiner conceded that Rubert fails to teach or suggest the above elements. The Examiner then relied upon Gudjonsson to teach or suggest these missing elements. However, the Examiner has failed to point out where in Gudjonsson that the elements related to the “component” and “replacement component” are taught or suggested. It is unclear what the Examiner has characterized as the component and replacement component in Gudjonsson. Again, the section of Gudjonsson cited by the Examiner discloses an admin tool that changes settings of components. See Gudjonsson, column 18, lines 24-28. However, a *modification of settings of a component*, by itself, does not result in a *replacement of a component*. For example, Gudjonsson discloses that settings of components are stored in a database. See Gudjonsson, column 32, lines 49-51. The settings are then configurable from the admin tool. See Gudjonsson, column 32, lines 51-54. The admin tool may also notify affected components of changes to settings. Id. Therefore, it should be understood that when the settings are modified using the admin tool, these settings stored in the database are changed. However, the affected component is *not replaced*, but *notified* by the admin tool of these changes. Id. Further, Gudjonsson fails to disclose that settings are changed *in response to replacing the associated component*. As a result, changing settings to components in the database, by itself, does not teach or suggest the elements of “automatically updating the default parameters . . . with a different default parameter . . . of a replacement component in response to replacing the component,” (emphasis added) as recited in claim 6.

In addition, the Examiner has not cited and Appellant is unable to discern the portion of Tran that teaches or suggests the above missing elements. Consequently, Rubert in view of Gudjonsson in further view of Tran fails to teach or suggest each element of claim 6. Therefore, in view of at least the above reasons, the Examiner has failed to establish a *prima facie* case of obviousness.

Thus, for at least the additional reasons set forth above, claim 6 is separately patentable over Rubert in view of Gudjonsson in further view of Tran. Accordingly, Appellant respectfully requests that the § 103(a) rejection of claim 6 be overturned.

**c) Claim 6 Is Patentable at Least Because Rubert In View of Gudjonsson and Tran Fails to Teach or Suggest Determining a Conflict Between Custom and Default Parameters.**

Claim 6 recites the additional elements of “determining a conflict between each custom parameter included in the property sheet with the different default parameter of the corresponding property of the replacement component.” The cited art fails to teach or suggest these elements.

On page 12 of the Final Office Action, the Examiner conceded that the above elements are not taught or suggested in Rubert and Gudjonsson. The Examiner then relied upon Tran to teach or suggest the missing elements. However, Tran also fails to cure these deficiencies as discussed below.

Tran, in contrast, discloses a network adaptor selection algorithm to select the most “qualified” network adaptor as the primary adaptor. See Tran, column 4, lines 34-42. Amongst a set of network adaptors in a server, the primary adaptor is the network adapter that provides a primary connection that receives all communication destined for the server from the network. See Tran, column 1, lines 46-51. To select the primary adaptor, Tran selects the network adapter with the greatest attribute value. See Tran, column 8, lines 1-4. However, selecting the *greatest attribute value* is not equivalent to the elements of “determining a conflict between each custom parameter . . . with the different default parameter of the corresponding property of the replacement component” because the selected adapter with the greatest attribute value is *compatible* (i.e., most qualified) and not “a conflict.” For example, the team capability value (that indicates the value of the adapter with the highest priority) is initially set to zero. See Tran, column 4, lines 21-32. Tran’s algorithm then iterates through each network adaptor to calculate each network adaptor’s attribute value and to determine whether the network adaptor’s attribute value is greater than the team capability value. See Tran, column 4, lines 33-35 and 44-48. If the network adapter’s attribute value is greater, then the team capability value is assigned as the network adaptor’s attribute value. See Tran, column 4, lines 35-38. However, *no conflict has occurred* based on the assignment of the team capability value. Rather, the network adaptor with the greatest attribute value is the *desired criteria* for selecting the primary adaptor instead of being in

conflict with the team capability value. Thus, the selection performed in Tran is not equivalent to a determination of a conflict. Therefore, Tran fails to teach or suggest the elements of “determining a conflict between each custom parameter included in the property sheet with the different default parameter of the corresponding property of the replacement component,” as recited in claim 6. Thus, in view of at least the previous reasons, Rubert in view of Gudjonsson in further view of Tran fails to teach or suggest each element in claim 6. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness.

Thus, for at least the additional reasons set forth above, claim 6 is separately patentable over Rubert in view of Gudjonsson in further view of Tran. Accordingly, Appellant respectfully requests that the § 103(a) rejection of claim 6 be overturned.

**d) Claim 6 Is Patentable Because Rubert in View of Gudjonsson and Tran Are Non-Analogous Prior Art.**

Appellant submits that Rubert and Gudjonsson in view of Tran are not analogous prior art. Again, as stated in MPEP § 2141.01(a), the Examiner must determine what is “analogous prior art” for the purpose of analyzing the obviousness of the subject matter at issue. Under the correct analysis, a need or problem known in the field of endeavor at the time of the invention and addressed by the patent [or application at issue] can provide a reason for combining the elements in the manner claimed. See KSR International Co. v. Teleflex Inc., 550 U.S. \_\_\_, \_\_\_, 82 USPQ2d 1385, 1397 (2007). Therefore, a reference in a field different from that of applicant’s endeavor may be reasonably pertinent if it is one which, because of the matter with which it deals, logically would have commended itself to an inventor’s attention. See MPEP § 2141.01(a).

Based on the above requirements, first, Rubert discloses a user interface for executing a query in a database. See Rubert, column 5, line 55 to column 6, line 4. To accomplish this task, the user interface running on a client system communicates with a server that is connected to remote database servers. See Rubert, Fig. 3; column 8, lines 10-15. Gudjonsson next discloses administrative tools for modifying settings of components within a cluster. See Gudjonsson, column 18, lines 24-28; Fig. 26.

Gudjonsson further discloses that the admin tools are hosted in a machine away from components of the cluster. See Gudjonsson, Fig. 26. Tran, in contrast, discloses a selection algorithm for determining a network adaptor amongst a team of network adaptors in a same server to serve as the primary adaptor. See Tran, Fig. 3; column 4, lines 16-19; Fig. 1. However, Tran's network adaptor selection algorithm *within the same server* is not reasonably pertinent to Rubert's query execution interface of *remote database servers* and Gudjonsson's modification of settings of *remote components* in the cluster that one skilled in the art would look to Tran to improve what Rubert and Gudjonsson are directed toward. Tran's network adaptor algorithm is *isolated to the same server* including the team of network adaptors and is not logically connected with communicating with *remote database servers and components* as disclosed in Rubert and Gudjonsson, respectively. Therefore, in view of at least these reasons, Rubert and Gudjonsson in view of Tran are not analogous prior art. Consequently, the Examiner has failed to establish a *prima facie* case of obviousness based on Rubert and Gudjonsson and Tran for claim 6.

Thus, in view of at least the foregoing additional reasons, claim 6 is separately patentable over the cited art. Accordingly, Appellant respectfully requests that the § 103 rejection of claim 6 be overturned.

**e) Claims 8-10 Are Patentable Because Each of These Claims Depends On Patentable Base Claim 6.**

Claims 8-10 depend on claim 6 and incorporate the limitations thereof. Thus, for at least the reasons discussed above in connection with claim 6, Rubert in view of Gudjonsson in further view of Tran fails to teach or suggest each element of claims 8-10. In particular, as discussed previously, Rubert in view of Gudjonsson in further view of Tran fails to teach or suggest the elements of "automatically updating the default parameters . . . with a different default parameter . . . of a replacement component in response to replacing the component" and "determining a conflict between each custom parameter included in the property sheet with the different default parameter of the corresponding property of the replacement component," as recited in claim 6. Therefore, claims 8-10 are patentable over the art of record because each of these claims depends on claim 6.

Thus, in view of at least the foregoing reasons, claims 8-10 are directed toward allowable subject matter. Accordingly, Appellant respectfully requests that the § 103 rejection of claims 8-10 be overturned.

#### **L. Rejection of Claims 19 and 26 Under 35 U.S.C. § 103**

Claims 19 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rubert in view of Gudjonsson in view of U.S. Patent No. 6,983,324 issued to Block et al. (hereinafter “Block”) in further view of Tran.

To establish a *prima facie* case of obviousness the Examiner must set forth a clear articulation of the reasons that the claimed invention would have been obvious. The reasoning cannot be based on mere conclusory statements. See KSR Int'l Co. v. Teleflex Inc. (KSR), 82 USPQ2d 1385, 1396 (2007) and MPEP § 2142. Further, the Federal Circuit has clarified that the determination of the proper combination of prior art teachings in light of the Supreme Court's decision in KSR Int'l Co. v. Teleflex Inc. is to be based on the flexible application of the teaching, suggestion and motivation (TSM) test, because “as the Supreme Court suggests, a flexible approach to the TSM test prevents hindsight and focuses on evidence before the time of the invention.” In re Translogic Tech., Inc., 504 F.3d 1249, 1257 (Fed. Cir. 2007).

However, as discussed below, the cited references fail to teach or suggest each element of claims 19 and 26.

#### **1. Claims 19 and 26**

##### **a) Claim 19 Is Patentable Because Rubert in View of Gudjonsson in View of Block in View of Tran Fails to Teach or Suggest Selectively Updating the Parameters.**

Claim 19 recites the elements of “selectively updating the parameters included in the property sheet in response to replacing a component by comparing each default parameter of the component to be replaced with a corresponding default parameter of a replacement component.” The Examiner on page 14 of the Final Office Action admitted that Rubert in view of Gudjonsson fails to teach or suggest the elements of “selectively updating the parameters included in the property sheet in response to replacing a

component.” As a result, Rubert in view of Gudjonsson also fails to teach or suggest the elements of “comparing a default property name of the component to be replaced with a corresponding default property name of a replacement component,” as recited in claim 19.

Further, Block fails to cure the above deficiencies. In contrast, Block discloses an operation that determines whether each parameter to be modified conforms with *a range of values*. See Block, column 7, lines 52-62. The range of values, on the other hand, represents *all possible conforming values* (but not actual default values) for the parameter, but does not correspond with “each default parameter of the component to be replaced,” as recited in claim 19. In other words, Block compares the updated value with all possible conforming values rather than compare the updated value with the default value of the parameter of the component to be replaced. As a result, Block fails to perform a comparison of “each default parameter of the component to be replaced with a corresponding default parameter of a replacement component,” as recited in claim 19. Therefore, for at least these reasons, Block fails to teach or suggest each element of claim 19.

Lastly, Tran fails to cure the above deficiencies. The portion of Tran cited by the Examiner, instead, discloses a network adaptor selection algorithm that chooses the network adaptor with the greatest attribute value. See Tran, column 4, lines 34-42; column 8, lines 1-4. To accomplish this task, Tran calculates each network adaptor’s attribute value (i.e., current adaptor capability value) to determine whether the calculated network adaptor’s attribute value is greater than the current attribute value (i.e., team capability value). See Tran, column 4, lines 33-35 and 44-48. In this case, the current attribute value is then assigned the calculated network adaptor’s attribute value. See Tran, column 4, lines 35-38. However, the network adaptor’s attribute value is determined from, in part, statistical (i.e., historical) data such as the network adaptor’s reliability factor based on the number of times the network adaptor has failed and transmitted under-runs and over-runs. See Tran, column 5, lines 1-4 and 49-57. In other words, since the network adaptor’s attribute value relies on *statistical data*, Tran is required to *recalculate the attribute value each time* the network adaptor is selected. Thus, no default value for the attribute value is disclosed by Tran. Therefore, the elements of



“comparing each default parameter of the component to be replaced with a corresponding default parameter of a replacement component” are not taught or suggested because no default values for components are present in Tran because the attribute values of each network adaptor are required to be calculated each time. Thus, for at least the above reasons, Tran fails to teach or suggest the elements of “selectively updating the parameters included in the property sheet in response to replacing a component by comparing each default parameter of the component to be replaced with a corresponding default parameter of a replacement component,” as recited in claim 19.

Thus, for at least the reasons set forth above, Rubert in view of Gudjonsson in view of Block in further view of Tran fails to teach or suggest each element of claim 19. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness. Consequently, claim 19 is separately patentable over Rubert in view of Gudjonsson in view of Block in further view of Tran. Accordingly, Appellant respectfully requests that the § 103(a) rejection of claim 19 be overturned.

**b) Claim 26 Is at Least Patentable Over the Cited Art Because  
Claim 26 Recites Analogous Elements to Those In Claim 19.**

Claim 26 recites analogous elements to those in claim 19. Therefore, to illustrate that claim 26 is directed to patentable subject matter, the arguments made in connection with claim 19 are applicable for the elements of “selectively updating the parameters included in the property sheet data structure in response to replacing of a component by comparing each default parameter of the component to be replaced with a corresponding default parameter of a replacement component,” as recited in claim 26. Consequently, for at least the previous reasons, Rubert in view of Gudjonsson in view of Block in further view of Tran fails to teach or suggest each element of claim 26. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness.

Thus, for at least the reasons set forth above, claim 26 is separately patentable over Rubert in view of Gudjonsson in view of Block in further view of Tran. Accordingly, Appellant respectfully requests that the § 103(a) rejection of claim 21 be overturned.

### **M. Rejection of Claims 3-5 Under 35 U.S.C. § 103**

Claims 3-5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rubert in view of Patrizio in view of Lakkapragada in further view of U.S. Patent Publication No. 2005/0114315 issued to Tanner et al. ("Tanner").

To establish a *prima facie* case of obviousness the Examiner must set forth a clear articulation of the reasons that the claimed invention would have been obvious. The reasoning cannot be based on mere conclusory statements. See KSR Int'l Co. v. Teleflex Inc. (KSR), 82 USPQ2d 1385, 1396 (2007) and MPEP § 2142. Further, the Federal Circuit has clarified that the determination of the proper combination of prior art teachings in light of the Supreme Court's decision in KSR Int'l Co. v. Teleflex Inc. is to be based on the flexible application of the teaching, suggestion and motivation (TSM) test, because "as the Supreme Court suggests, a flexible approach to the TSM test prevents hindsight and focuses on evidence before the time of the invention." In re Translogic Tech., Inc., 504 F.3d 1249, 1257 (Fed. Cir. 2007).

However, as discussed below, the cited references fail to teach or suggest each element of claims 3-5.

#### **1. Claim 3**

##### **a) Claim 3 Depends on Patentable Base Claim 1 and Tanner Fails to Cure the Deficiencies of Rubert in view of Patrizio in view of Lakkapragada.**

Claim 3 depends on base claim 1 and incorporates the limitations thereof. Thus, for the reasons discussed in connection with claim 1, claim 3 is patentable over Rubert in view of Patrizio in view of Lakkapragada. Moreover, Tanner fails to cure these deficiencies. Tanner, in contrast, discloses a multi-row editing function to modify configuration data for a network device. See Tanner, paragraphs [0065] and [0066]. However, Tanner fails to teach or suggest the elements of "a user interface . . . to manage configuration information of at least one dispatcher node that distributes requests to a plurality of nodes of the clustered system," as recited in claim 1. Instead, as shown in Fig. 1 of Tanner, the network device is *not located within a cluster* but shown

as an isolated network component. See Tanner, paragraph [0027]. Consequently, in view of at least the previous reasons, Tanner fails to teach or suggest the elements of “a user interface . . . to manage configuration information of at least one dispatcher node that distributes requests to a plurality of nodes of the clustered system,” as recited in claim 1. As a result, the Examiner has failed to establish a *prima facie* case of obviousness. Therefore, claim 3 is patentable over the art of record because claim 3 depends on claim 1.

Thus, for at least the reasons set forth above, claim 3 is patentable over Rubert in view of Patrizio in view of Lakkapragada in further view of Tanner. Accordingly, Appellant respectfully requests that the § 103(a) rejection of claim 3 be overturned.

**b) Claim 3 Is not Obvious at Least Because Rubert in View of Patrizio in View of Lakkapragada in Further View of Tanner Fails to Teach or Suggest Columns In the Manner Recited In Claim 3.**

Appellant also submits the following reasons (in addition to the reasons discussed above) to establish the separate patentability of claim 3.

The Examiner conceded in the Final Office Action (see page 18) that Rubert in view of Patrizio in view of Lakkapragada fails to teach or suggest the elements recited in claim 3. Further, Tanner fails to teach or suggest the missing elements as well. Instead, Tanner discloses rows of data with labeled columns related to an ID field, an IP address field, a sequence number field, and an attribute field. See Tanner, paragraph [0064]. In other words, each column in Tanner has a *respective column name* corresponding to the data item included in the respective column. Therefore, as shown in Fig. 5A, 5B, and 5C of Tanner, the respective columns fail to correspond to the elements of “a first column to display names of corresponding properties, a second column to display configuration parameters associated with the corresponding properties and a third column to indicate if the configuration parameters are default or custom parameters,” as recited in claim 3. As a result, Tanner fails to teach or suggest each element of claim 3.

Further, Appellant notes that the multi-row edit function disclosed in Tanner allows the rows of data to be modified and new data to be added to the rows of data by using a *single GUI interface* (i.e., EDIT 228 user interface) instead of “a first dialog box to display contents of the property sheet data structure,” and “a second dialog box to receive input to modify a custom parameter,” as recited in claim 3. See Tanner, paragraphs [0065] and [0066]. Consequently, in view of at least the foregoing reasons, Tanner fails to teach or suggest each element of claim 3. Thus, in view of at least the foregoing reasons, Rubert in view of Patrizio in view of Lakkapragada in further view of Tanner fails to teach or suggest each element of claim 3. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness.

Thus, for at least the reasons set forth above, claim 3 is separately patentable over Rubert in view of Patrizio in view of Lakkapragada in further view of Tanner. Accordingly, Appellant respectfully requests that the § 103(a) rejection of claim 3 be overturned.

## 2. Claim 4

### a) Claim 4 Depends on Patentable Base Claim 1 and Tanner Fails to Cure the Deficiencies of Rubert in View of Patrizio in View of Lakkapragada.

Claim 4 depends on base claim 1 and incorporates the limitations thereof. Thus, for the reasons discussed in connection with claim 1, claim 4 is patentable over Rubert in view of Patrizio in view of Lakkapragada. Moreover, Tanner fails to cure these deficiencies of claim 1 as discussed above in connection with claim 3. Consequently, Tanner fails to teach or suggest the elements of “a user interface . . . to manage configuration information of at least one dispatcher node that distributes requests to a plurality of nodes of the clustered system,” as recited in claim 1. Therefore, claim 4 is patentable over the art of record because claim 4 depends on claim 1.

Thus, for at least the reasons set forth above, claim 4 is patentable over Rubert in view of Patrizio in view of Lakkapragada in further view of Tanner. Accordingly, Appellant respectfully requests that the § 103(a) rejection of claim 4 be overturned.

**b) Claim 4 Is Patentable Because Rubert in View of Patrizio in View of Lakkapragada in Further View of Tanner Fails to Teach or Suggest a Second Dialog Box With a Name Field and a Default Field.**

Appellant submits the following additional reasons (in addition to the reasons discussed above) to establish the separate patentability of claim 4.

Claim 4 recites the elements of “the second dialog box further includes a name field to display a name of a corresponding property and a default field to display a default configuration parameter associated with the corresponding property.” The Examiner conceded on page 19 of the Final Office Action that Rubert in view of Patrizio in view of Lakkapragada fails to teach or suggest the elements recited in claim 4. Further, Tanner fails to cure these deficiencies. As discussed above in connection with claim 3, because Tanner displays and edits the rows of data using a single GUI interface, the elements related to “the second dialog box” as recited in claim 4 are not taught or suggested. See Tanner, paragraphs [0065] and [0066]. As a result, because Rubert in view of Patrizio in view of Lakkapragada in further view of Tanner fails to teach or suggest the elements of “the second dialog box,” the art of record also fails to teach or suggest the elements of “the second dialog box further includes a name field to display a name of a corresponding property and a default field to display a default configuration parameter associated with the corresponding property,” as recited in claim 4. Consequently, in view of at least the foregoing reasons, Rubert in view of Patrizio in view of Lakkapragada in further view of Tanner fails to teach or suggest each element of claim 4. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness.

Thus, for at least the reasons set forth above, claim 4 is separately patentable over Rubert in view of Patrizio in view of Lakkapragada in further view of Tanner. Accordingly, Appellant respectfully requests that the § 103(a) rejection of claim 4 be overturned.

### 3. Claim 5

#### **a) Claim 5 Depends on Patentable Base Claim 1 and Tanner Fails to Cure the Deficiencies of Rubert in View of Patrizio in View of Lakkapragada.**

Claim 5 depends on base claim 1 and incorporates the limitations thereof. Thus, for the reasons discussed in connection with claim 1, claim 5 is patentable over Rubert in view of Patrizio in view of Lakkapragada. Moreover, Tanner fails to cure these deficiencies of claim 1 as discussed above in connection with claim 3. As a result, Tanner fails to teach or suggest the elements of “a user interface . . . to manage configuration information of at least one dispatcher node that distributes requests to a plurality of nodes of the clustered system,” as recited in claim 1. Consequently, claim 5 is patentable over the art of record because claim 5 depends on claim 1. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness.

Thus, for at least the reasons set forth above, claim 5 is patentable over Rubert in view of Patrizio in view of Lakkapragada in further view of Tanner. Accordingly, Appellant respectfully requests that the § 103(a) rejection of claim 5 be overturned.

#### **b) Claim 5 Is Patentable Because Rubert in View of Patrizio in View of Lakkapragada in Further View of Tanner Fails to Teach or Suggest a Second Dialog Box With a Data Type Field.**

Appellant submits the following additional reasons (in addition to the reasons discussed above) to establish the separate patentability of claim 5.

Claim 5 recites the elements of “the second dialog box further includes a data type field to display the data type associated with corresponding property.” The Examiner admitted on page 20 of the Final Office Action that Rubert in view of Patrizio in view of Lakkapragada fails to teach or suggest the elements recited in claim 5. Further, Tanner fails to cure these deficiencies. As discussed above in connection with claim 3, because Tanner displays and edits the rows of data using a single GUI interface, the elements related to “the second dialog box” as recited in claim 5 are not taught or suggested. See Tanner, paragraphs [0065] and [0066]. Consequently, because Rubert in

view of Patrizio in view of Lakkapragada in further view of Tanner fails to teach or suggest the elements of “the second dialog box,” the cited references also fail to teach or suggest the elements of “the second dialog box further includes a data type field to display the data type associated with corresponding property,” as recited in claim 5. Consequently, in view of at least the foregoing reasons, Rubert in view of Patrizio in view of Lakkapragada in further view of Tanner fails to teach or suggest each element of claim 5. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness.

Thus, for at least the reasons set forth above, claim 5 is separately patentable over Rubert in view of Patrizio in view of Lakkapragada in further view of Tanner. Accordingly, Appellant respectfully requests that the § 103(a) rejection of claim 5 be overturned.

#### **N. Rejection of Claims 20, 21, 23-25 and 28 Under 35 U.S.C. § 103**

Claims 20, 21, 23-25 and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rubert in view of Gudjonsson in view of Block in view of Tran in further view of Tanner.

As an initial matter, Appellant notes that on page 22 of the Final Office Action, the Examiner has asserted a rejection against claim 22. However, claim 22 was canceled in a previous Response to Office Action. Thus, the Examiner’s rejection is moot.

To establish a *prima facie* case of obviousness the Examiner must set forth a clear articulation of the reasons that the claimed invention would have been obvious. The reasoning cannot be based on mere conclusory statements. See KSR Int’l Co. v. Teleflex Inc. (KSR), 82 USPQ2d 1385, 1396 (2007) and MPEP § 2142. Further, the Federal Circuit has clarified that the determination of the proper combination of prior art teachings in light of the Supreme Court’s decision in KSR Int’l Co. v. Teleflex Inc. is to be based on the flexible application of the teaching, suggestion and motivation (TSM) test, because “as the Supreme Court suggests, a flexible approach to the TSM test prevents hindsight and focuses on evidence before the time of the invention.” In re Translogic Tech., Inc., 504 F.3d 1249, 1257 (Fed. Cir. 2007).

However, as discussed below, the cited references fail to teach or suggest each element of claims 20, 21, 23-25 and 28.

### 1. Claim 20

#### a) Claim 20 Depends on Patentable Base Claim 19 and Tanner Fails to Cure the Deficiencies of Rubert in View of Gudjonsson in View of Block in View of Tran.

Claim 20 depends on base claim 19 and incorporates the limitations thereof. Thus, for the reasons discussed in connection with claim 19, claim 20 is patentable over Rubert in view of Gudjonsson in view of Block in further view of Tran. Moreover, Tanner fails to cure these deficiencies of claim 19. Tanner, as discussed above, teaches a multi-row editing function. See Tanner, paragraphs [0065] and [0066]. However, the selection process used for the multi-row editing function fails to perform a comparison for “each default parameter of the component to be replaced with a corresponding default parameter of a replacement component,” as recited by claim 19. Instead, “[w]hen a user makes a change to any of the data items, the change is automatically propagated to the same data item in the other rows,” and no such comparison is performed. See Tanner, paragraph [0065]. Therefore, Tanner fails to teach or suggest the elements of “selectively updating the parameters included in the property sheet in response to replacing a component by comparing each default parameter of the component to be replaced with a corresponding default parameter of a replacement component,” as recited in claim 19. Thus, claim 20 is patentable over the art of record because claim 20 depends on claim 19. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness.

Thus, for at least the reasons set forth above, claim 20 is patentable over Rubert in view of Gudjonsson in view of Block in view of Tran in further view of Tanner. Accordingly, Appellant respectfully requests that the § 103(a) rejection of claim 20 be overturned.



**b) Claim 20 Is Patentable At Least Because Rubert in view of Gudjonsson in View of Block in View of Tran in View of Tanner Fails to Teach or Suggest a Means For Receiving Input.**

Appellant submits the following reasons (in addition to the reasons discussed above) to establish the separate patentability of claim 20.

Claim 20 recites the elements of “means for receiving input to select between the default parameter and the custom parameter to be applied to a property included in the property sheet.” The Examiner on page 21 of the Final Office Action admitted that Rubert in view of Gudjonsson in view of Block fails to teach or suggest each element of claim 20. Further, because claim 20 recites “means for” claim language, the Examiner must interpret the means plus function claim language to read on *only the structures or materials disclosed in the specification and equivalents thereof* (including the manner in which the claimed functions are performed) according to 35 U.S.C. § 112, sixth paragraph. See In re Donaldson Co., 16 F.3d 1189 at 1194 (Fed. Cir. 1994); MPEP § 2181(I); MPEP § 2106. With respect to interpreting the elements of a “means for receiving input to select between the default parameter and the custom parameter” under § 112, sixth paragraph, as disclosed in paragraph [00028] of the Specification, dialog box 450 includes a “Apply Custom” button 462 that may be selected to set or apply the custom parameter and a “Restore Default” button 460 that may be selected to restore the default configuration parameter. Therefore, in light of the Specification, a “means for receiving input to select between the default parameter and the custom parameter” should be interpreted as buttons 460 and 462 included in dialog box 450.

However, Block and Tran fails to teach or suggest the elements of “means for receiving input to select between the default parameter and the custom parameter” as interpreted in light of the Specification. In the Final Office Action, the Examiner failed to allege the portion of Block and Tran that teaches or suggests the missing elements. Notwithstanding the Examiner’s omission, Block discloses executing a modification operation but fails to teach or suggest the elements related to buttons 460 and 462 included in dialog box 450. See Block, column 7, lines 53-57. In addition, Tran provides a selection algorithm for network adaptors but also fails to teach or suggest the elements of buttons 460 and 462 included in the dialog box. See Tran, column 4, lines

16-10. Thus, Block and Tran fail to teach or suggest the elements of “means for receiving input to select between the default parameter and the custom parameter,” as recited in claim 20.

Further, Tanner fails to teach or suggest the above missing elements. In contrast, Tanner discloses a single GUI interface to display and edit the rows of data. See Tanner paragraphs [0065] and [0066]. However, Fig. 5A-5C of Tanner fails to teach or suggest the elements of buttons 460 and 462 included in the dialog box to select between a default and custom parameter. Consequently, in view of at least the foregoing reasons, Tanner fails to teach or suggest the elements of “means for receiving input to select between the default parameter and the custom parameter to be applied to a property included in the property sheet,” as recited in claim 20. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness.

Thus, for at least the reasons set forth above, claim 20 is separately patentable over Rubert in view of Gudjonsson in view of Block in view of Tran in further view of Tanner. Accordingly, Appellant respectfully requests that the § 103(a) rejection of claim 20 be overturned.

## 2. Claim 21

### a) Claim 21 Depends on Patentable Base Claim 19 and Tanner Fails to Cure the Deficiencies of Rubert in View of Gudjonsson in View of Block in View of Tran.

Claim 21 depends on base claim 19 and incorporates the limitations thereof. Thus, for the reasons discussed in connection with claim 19, claim 21 is patentable over Rubert in view of Gudjonsson in view of Block in further view of Tran. Moreover, Tanner fails to cure these deficiencies of claim 19. Tanner, as discussed above in connection with claim 20, fails to teach or suggest the elements of “selectively updating the parameters included in the property sheet in response to replacing a component by comparing each default parameter of the component to be replaced with a corresponding default parameter of a replacement component,” as recited in claim 19. See Tanner, paragraphs [0065] and [0066]. Consequently, claim 21 is patentable over the

art of record because claim 21 depends on claim 19. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness.

Thus, in view of at least the foregoing reasons, Rubert in view of Gudjonsson in view of Block in view of Tran in further view of Tanner fails to teach or suggest each element of claim 21. Therefore, Appellant submits that claim 21 is patentable over Rubert in view of Gudjonsson in view of Block in view of Tran in further view of Tanner. Accordingly, Appellant respectfully requests that the § 103(a) rejection of claim 21 be overturned.

**b) Claim 21 Is Patentable At Least Because Rubert in view of Gudjonsson in View of Block in View of Tran in View of Tanner Fails to Teach or Suggest a Means For Indicating as in the Specification.**

Appellant submits the following reasons (in addition to the reasons discussed above) to establish the separate patentability of claim 21.

Claim 21 recites the elements of “means for indicating if a configuration parameter displayed by the means for displaying is a default parameter or a custom parameter.” Again, because claim 21 recites “means for” claim language, the Examiner must interpret the means plus function claim language to read on *only the structures or materials disclosed in the specification and equivalents thereof* (including the manner in which the claimed functions are performed) according to 35 U.S.C. § 112, sixth paragraph. *See In re Donaldson Co.*, 16 F.3d 1189 at 1194 (Fed. Cir. 1994); MPEP § 2181(I); MPEP § 2106. With respect to interpreting the elements of a “means for indicating if a configuration parameter displayed by the means for displaying is a default parameter or a custom parameter” under § 112, sixth paragraph, as disclosed in paragraph [00027] of the Specification, the property sheet dialog box includes third column 416 to indicate if the configuration parameter displayed in the second column 414 is a default parameter or a custom parameter. Therefore, in light of the Specification, a “means for indicating if a configuration parameter displayed by the means for displaying is a default parameter or a custom parameter” should be interpreted as third column 416 included in the property sheet dialog box.

The Examiner on page 21 of the Final Office Action cited Rubert as allegedly disclosing these elements. Instead, Fig. 1 of Rubert only shows columns related to parameters and parameter details. However, the parameters in the UI are only displayed in italics or normal font to show whether they are user-modifiable. See Rubert, column 5, lines 58-60. Although default values for parameters may populate the columns in the UI, Rubert fails to teach or suggest that an indication of “a configuration parameter displayed by the means for displaying is a default parameter or a custom parameter” is included in a column of the UI. See Rubert, column 5, lines 64-67. Thus, in light of the Specification, Rubert fails to teach or suggest a “means for indicating if a configuration parameter displayed by the means for displaying is a default parameter or a custom parameter” (i.e., a third column included in the property sheet dialog box) as recited in claim 21.

Further, the Examiner has failed to cite the portions of Gudjonsson, Block, Tran, and Tanner that teach or suggest the above missing elements as interpreted in light of the Specification. Gudjonsson relates to administrative tools that performs changes to component settings but fails to teach or suggest elements related to the third column in the property sheet dialog box. See Gudjonsson, column 18, lines 24-27. As discussed above, Block discloses executing a modification operation but fails to teach or suggest elements of the third column to indicate default and custom parameters. See Block, column 7, lines 53-57. Also, Tran discloses a selection algorithm for network adaptors but also fails to teach or suggest the third column included in the dialog box. See Tran, column 4, lines 16-10. Thus, Block and Tran fail to teach or suggest the elements of “means for indicating if a configuration parameter displayed by the means for displaying is a default parameter or a custom parameter,” as recited in claim 21.

Further, Tanner fails to teach or suggest the above missing elements. In contrast, Tanner discloses a single GUI interface to display and edit the rows of data. See Tanner, paragraphs [0065] and [0066]. However, Fig. 5A-5C of Tanner fails to teach or suggest the elements of a third column to indicate default and custom parameters for a second column. Consequently, Tanner fails to teach or suggest the elements of “means for receiving input to select between the default parameter and the custom parameter to be applied to a property included in the property sheet,” as recited in claim 21.

Consequently, in view of at least the foregoing reasons, Rubert in view of Gudjonsson in view of Block in view of Tran in further view of Tanner fails to teach or suggest each element of claim 21. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness. Thus, claim 21 is separately patentable over cited art for at least the additional above reasons. Accordingly, Appellant respectfully requests that the § 103(a) rejection of claim 21 be overturned.

### 3. Claims 23-25

#### **a) Claims 23-25 Depend on Patentable Base Claim 19 and Tanner Fails to Cure the Deficiencies of Rubert in View of Gudjonsson in View of Block in View of Tran.**

Claim 23-25 depend on base claim 19 and incorporate the limitations thereof. Thus, for the reasons discussed in connection with claim 19, claims 23-25 are patentable over Rubert in view of Gudjonsson in view of Block in further view of Tran. Moreover, Tanner fails to cure these deficiencies of claim 19. Tanner, as discussed above in connection with claim 20, fails to teach or suggest the elements of “selectively updating the parameters included in the property sheet in response to replacing a component by comparing each default parameter of the component to be replaced with a corresponding default parameter of a replacement component,” as recited in claim 19. See Tanner, paragraphs [0065] and [0066]. As a result, claims 23-25 are patentable over the cited art because claims 23-25 depend on claim 19. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness.

Thus, for at least the reasons set forth above, claims 23-25 are patentable over Rubert in view of Gudjonsson in view of Block in view of Tran in further view of Tanner. Accordingly, Appellant respectfully requests that the § 103(a) rejection of claims 23-25 be overturned.

#### 4. Claim 28

**a) Claim 28 Depends on Patentable Base Claim 26 and Tanner Fails to Cure the Deficiencies of Rubert in View of Gudjonsson in View of Block in View of Tran.**

In regard to claim 28, this claim depends from base claim 26 and incorporates the limitations thereof. Therefore, for at least the reasons discussed in connection with claim 26, Rubert in view of Gudjonsson in view of Block in further view of Tran fails to teach or suggest each element of claim 28. In addition, as discussed above, claim 26 recites analogous elements to those recited in claim 19. Thus, for at least the reasons mentioned in connection with claim 19, Rubert in view of Gudjonsson in view of Block in further view of Tanner fails to teach or suggest each element of claim 28 because claim 28 depends on claim 26. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness.

Thus, for at least the additional reasons set forth above, claim 28 is patentable over Rubert in view of Gudjonsson in view of Block in view of Tran in further view of Tanner. Accordingly, Appellant respectfully requests that the § 103(a) rejection of claim 28 be overturned.

For the reasons set forth above, the Appellant respectfully requests the Board overturn the rejection of claims 1-6, 8-10, 16-21, 23-26, and 28-31 as being obvious in view of the art of record.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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Melissa Stead  
Melissa Stead 4-22, 2008

## VIII. CLAIMS APPENDIX

The claims involved in this Appeal are:

1. (Previously Presented) A system comprising:  
a configuration module representing configuration information of a node within a clustered system, the configuration module comprising any one of a binary file, the binary file to map a key name to a set of data, a sub-configuration entry comprising an object of the node, or a name-value pair, the name-value pair to map a key name to an object, and a property sheet data structure representing configuration information associated with at least one component within the clustered system including a plurality of property names, a plurality of non-modifiable parameters and a plurality of modifiable parameters, wherein each respective property name included in the property sheet data structure is associated with a non-modifiable parameter and a modifiable parameter; and  
a user interface to display contents of the property sheet data structure to allow centralized management of the clustered system and to manage configuration information of at least one dispatcher node that distributes requests to a plurality of nodes of the clustered system, the user interface to receive inputs to select and modify a parameter associated with the property sheet data structure.
2. (Previously Presented) The system of claim 1, wherein the property sheet data structure is associated with a plurality of components contained within the clustered system.
3. (Previously Presented) The system of claim 1, wherein the user interface comprises:  
a first dialog box to display contents of the property sheet data structure, the first dialog box including a plurality of entry rows, the entry rows including a first column to display names of corresponding properties, a second column to display configuration



parameters associated with the corresponding properties and a third column to indicate if the configuration parameters are default or custom parameters; and  
a second dialog box to receive input to modify a custom parameter.

4. (Previously Presented) The system of claim 3, wherein the second dialog box further includes a name field to display a name of a corresponding property and a default field to display a default configuration parameter associated with the corresponding property.

5. (Previously Presented) The system of claim 4, wherein the second dialog box further includes a data type field to display the data type associated with corresponding property.

6. (Previously Presented) A method comprising:  
providing a property sheet associated with a component contained within a clustered system, the property sheet including a plurality of configuration parameters, each parameter associated with a name, a default parameter and a custom parameter;  
replacing the component contained within the clustered system;  
automatically updating the default parameters included in the property sheet with a different default parameter with a corresponding property of a replacement component in response to replacing the component; and  
determining a conflict between each custom parameter included in the property sheet with the different default parameter of the corresponding property of the replacement component.

7. (Cancelled)

8. (Previously Presented) The method of claim 6, further comprising:  
determining if a custom parameter included in the property sheet is valid with the replaced component.

9. (Previously Presented) The method of claim 8, further comprising:  
deselecting the custom parameter in response to the custom parameter being not  
valid with the replaced component.

10. (Original) The method of claim 6, wherein the cluster includes a plurality  
of instances.

11-15. (Cancelled)

16. (Previously Presented) A method comprising:  
providing a configuration module of a node contained within a cluster, the  
configuration module comprising any one of a binary file, a sub-configuration entry, or  
a name-value pair, and a property sheet containing configuration information  
associated with a component contained within a cluster;  
displaying contents of the property sheet, the property sheet including non-  
modifiable parameters and modifiable parameters;  
receiving input to select and modify a parameter of the displayed property sheet;  
and  
sending the configuration information to the node in response to a request from  
the node.

17. (Original) The method of claim 16, wherein the displaying contents of a  
property sheet comprises:  
providing a number of entry rows;  
displaying names of corresponding properties in a first column of each entry  
row;  
displaying configuration parameters associated with corresponding properties in  
a second column of each entry row; and  
indicating if a configuration parameter displayed in the second column is a  
default parameter or a custom parameter.

18. (Original) The method of the claim 16, wherein the property sheet is included in a configuration data structure containing configuration information associated with the cluster.

19. (Previously Presented) A system comprising:  
means for displaying contents of a property sheet containing configuration information associated with a component contained within a clustered system, the property sheet having a plurality of properties, wherein each of said properties is associated with a property name, a non-modifiable default parameter and a custom parameter; and  
means for receiving input to select and modify a parameter associated with a property included in the property sheet; and  
means for selectively updating the parameters included in the property sheet in response to replacing a component by comparing each default parameter of the component to be replaced with a corresponding default parameter of a replacement component.

20. (Original) The system of claim 19, further comprising:  
means for receiving input to select between the default parameter and the custom parameter to be applied to a property included in the property sheet.

21. (Original) The system of claim 20, wherein the means for displaying further comprises:  
means for indicating if a configuration parameter displayed by the means for displaying is a default parameter or a custom parameter.

22. (Canceled)

23. (Previously Presented) The system of claim 19, further comprising:

means for automatically updating a default parameter included in the property sheet with a different default parameter associated with a corresponding property of the replaced component.

24. (Previously Presented) The system of claim 19, further comprising:  
means for determining if a custom parameter included in the property sheet is valid with the replaced component.

25. (Previously Presented) The system of claim 19, further comprising:  
means for deselecting a custom parameter in response to the custom parameter being not valid with the replaced component.

26. (Previously Presented) A machine-readable medium that provides instructions, which when executed by a processor cause the processor to perform operations comprising:

displaying contents of a property sheet data structure representing configuration information associated with at least one component within a clustered system, the property sheet data structure including a plurality of property names, a plurality of non-modifiable default parameters and a plurality of custom parameters;

receiving input to select a custom parameter included in the property sheet data structure;

storing the modified custom parameter without changing a default parameter corresponding to the modified custom parameter; and

selectively updating the parameters included in the property sheet data structure in response to replacing of a component by comparing each default parameter of the component to be replaced with a corresponding default parameter of a replacement component.

27. (Canceled)

28. (Previously Presented) The machine-readable medium of claim 26, wherein the operations performed by the processor further comprise:

automatically updating a default parameter included in the property sheet data structure with a different default parameter associated with a corresponding property of the replaced component;

determining a custom parameter included in the property sheet data structure is valid with the replaced component; and

deselecting an applied custom parameter in response to the applied custom parameter being not valid with the replaced component.

29. (Previously Presented) A system comprising:

a central storage node, the central storage node including a configuration data structure,

the configuration data structure comprising a global configuration module and a sub-cluster configuration module, the central storage node to send information included in the configuration data structure to a node within a sub-cluster in response to a request from the node.

30. (Previously Presented) The system of claim 29, further comprising:

the global configuration module comprising a dispatcher configuration module and a server configuration module.

31. (Previously Presented) The system of claim 29, further comprising: the sub-cluster configuration module comprising a local configuration information associated with the sub-cluster, the local configuration information comprising a dispatcher module and a plurality of server modules, the dispatcher module including configuration information associated with a dispatcher node of the sub-cluster, and each of the plurality of server modules including configuration information associated with each server node of the sub-cluster.

## **IX. EVIDENCE APPENDIX**

No other evidence is submitted in this appeal.

## **X. RELATED PROCEEDINGS APPENDIX**

There are no other appeals or interferences that will directly affect, be directly affected by, or have a bearing on the Board's decision in this appeal.